



## The Management of Allegations against Staff Policy

Approving Body	Governor/Head Teacher
Date Approved	October 2014
Version	V.01
Supersedes Version	
Review Date	Sept 2017
Legislation	Keeping Children Safe in Education
Further Information/Guidance	

## Introduction

This Policy outlines procedures for the management of allegations of abuse against employees and volunteers, which might indicate that they are unsuitable to work with children, young people and/or vulnerable adults in their present position or in any capacity.

The Policy will be used in all cases of allegations against paid employees and volunteers. The word "employee" will be used to refer to both paid employees and volunteers.

## Definitions

This Policy refers to allegations that a paid employee or volunteer has:

- behaved in a way which has harmed a child;
- possibly committed an offence against or related to a child;
- behaved towards a child/children in a way that indicated that he/she is unsuitable to work with children (Every Child Matters: Change for Children "Safeguarding Children and Safer Recruitment in Education" DfES 2006).

LADO: Local Authority Designated Officer.

LSCB: Local Safeguarding Children Board.

Unless specified otherwise in this Policy, the term "manager" is used generally to include line manager, supervisor, team leader, manager, senior manager, senior member of staff or Principal.

## Core Principles

It is essential that any allegation made against a member of staff or volunteer is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child or vulnerable adult and at the same time supports the person who is the subject of the allegation

There may be up to three stands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by social work services about whether a child or vulnerable adult is in need of protection or in need of services;
- consideration by the employer of disciplinary action against the individual.

It is essential that parents or carers of those involved in the allegation are kept informed of the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. However the deliberations of a disciplinary hearing and the information taken into account when arriving at a decision should not be disclosed. The alleged victim should not be asked to attend as a witness at the hearing.

## **Responsibilities**

### **It is the Principal's responsibility to:**

- consult with the Local Authority Designated Officer (in respect of children and young people only) when an allegation is made;
- ensure allegations are reported in an appropriate and timely manner;
- ensure the provision of on-going support to the employee and the parents or carers;
- consult with the Human Resources service provider at all stages of the procedure.

### **It is the responsibility of to the Local Authority Designated Officer to:**

- liaise with and offer advice to the Principal/Senior Managers, Local Governing Body, Police, Education and Children's Services and all other relevant agencies and check the progress of any investigation;
- maintain records relating to allegations against staff and working in partnership with: Government Office Safeguarding Advisers;
- ensure any allegations are dealt with in a timely and appropriate manner;
- decide whether child protection procedures need to be applied;
- follow the appropriate procedure for the case.

### **It is the responsibility of Children's Team, Social Services to:**

- ensure any allegations are dealt with in a timely and appropriate manner;
- decide whether child protection procedures need to be applied;
- follow the appropriate procedure for the case;
- if necessary, arrange a case conference protection plan;
- liaise with agencies as necessary.

### **It is an employees' responsibility to:**

- co-operate with management during the procedure;
- be available for meetings.

It is the responsibility of Recognised Trade Union Representatives or nominated work colleague to support and represent an employee during the procedure. The work colleague will be an employee within the Academy and would normally be from the same work area.

## **Allegations**

### **Allegations made to the Academy**

The allegation should be reported to the Principal immediately unless it is about the Principal, in which case it should be reported to The Chair of Governors. If the allegation is that an employee has:

- behaved in a way which has harmed a child or vulnerable adult;
- possibly committed an offence against or related to a child or vulnerable adult;
- behaved towards a child/children or vulnerable adult(s) in a way that indicated that he/she is unsuitable to work with children/vulnerable adults;

it should be discussed with the Local Authority Designated Officer for the Local Safeguarding Children Board if it is harm against a child and a referral made to the Duty Caseworker, Children's Services Team. If it is an allegation of harm against a vulnerable adult and meets the above criteria it should be reported to the Duty Caseworker, Adults Social Care Team.

### **Allegations made to the Police or Social Care**

If an allegation is made to the police, the Officer who receives the allegation will report to the Force Designated Liaison Officer without delay;

The Force Designated Liaison Officer will inform the Local Authority Designated Officer immediately;

If the allegation is made to children's social care, the person who receives will report to the Local Authority Designated Officer without delay.

### **Initial Action**

The Principal/Local Authority Designated Officer (if appropriate) must consider the allegation and determine the appropriate way forward. It is important to recognise and establish whether an allegation warrants further investigation and is not the same thing as deciding whether an allegation is well founded;

It is important to recognise that police or social work services involvement might be appropriate and therefore they should be informed without delay;

The initial discussion and assessment will be followed by a strategy meeting. Enquiries may have been undertaken with police and social care prior to the meeting;

### **There are four possible options:**

- Where the child has suffered, is suffering or is likely to suffer significant harm, an immediate referral to the joint agencies (Police and Social Care Department) under the local Child Protection Procedures;

- Further enquiries to gather more information/clarification;
- The allegation may have been prompted by inappropriate behaviour by the member of staff but a child/adult protection issue does not arise. In this case there may be a need for further investigation and possible consideration, in conjunction with the Human Resources service provider, under disciplinary procedures. The Principal will take the lead on this, following procedures, advice and guidance from the Human Resources service provider;
- The allegation was false or unfounded.

### **Suspension**

The question as to whether suspension of the member of staff, who is subject of the allegation, is appropriate should be considered at this stage. Ideally this would be in the strategy meeting.

A risk assessment should be completed for each individual case to determine whether the member of staff should be suspended. The assessment should take into account:

- the context of the allegation;
- background information in relation to the member of staff and the child/young person;
- the result of any strategy or planning meeting which takes place;
- whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension.

The assessment must be recorded and a copy kept on file. If the decision is made not to suspend, a copy of the risk assessment and any alternative measures should be shared with the Human Resources service provider. In cases where the decision is to suspend, the Chair of the Local Governing Body and the Chair of MAT should be informed immediately. For more information on suspension, please refer to the Disciplinary Policy.

When a member of staff is suspended, they should be given the name of a workplace colleague or recognised Trade Union representative as a contact.

### **Allegation necessitating immediate referral for Child Protection are:**

- where the child has suffered, is suffering, or is likely to suffer significant or serious harm;
- where the child/vulnerable adult alleges that a criminal offence has been committed;
- any allegation of a sexual nature.

The Principal must be aware that some other complaints may also be deemed child protection issues and should therefore consider each complaint carefully in consultation with the Local Authority Designated Officer (LADO) before taking any action.

## **Strategy Meeting - Children and Young People**

The strategy meeting will be conducted in accordance with LSCB procedures.

The purpose of the meeting will be to:

- consider the risk to the child/young person/other children and young people;
- gather relevant information;
- determine the need for investigation and by whom;
- establish a clear action plan with timescales;
- ensure employees, students and/or young people receive appropriate support;
- consider the need to inform relevant parties;
- jointly consider how to manage any media interest;
- discuss possible suspension/ temporary redeployment.

Attendance at a strategy meeting will be determined by LSCB procedures, but will usually include representatives from Education and Children's Services. The employee who is the subject of the allegation will not be invited to attend the meeting; however they will be informed of the outcome in accordance with LSCB procedures. The minutes of the strategy meeting will be circulated by the Chair of the meeting to relevant parties.

The following individuals should be informed of the outcome of the investigation:

- the child/children making the allegation and their parent/carer of the likely course of action. They must be informed that the matter is confidential and must not be discussed;
- the member of staff against whom the allegation has been made of the likely course of action. A record should be kept on the individual's personal file;
- the Chair of the Local Governing Body.

### **Investigating the allegation**

The strategy meeting will determine the nature of the investigation. There could be three ways forward and more than one may be applicable at any one time:

- there are child protection issues involved and there needs to be an investigation under Section 47 of the Children Act;
- there is a police investigation regarding a possible criminal act;
- there is a need for a disciplinary investigation. If this is so, the Child Protection investigation should take precedence. Any disciplinary investigation should not start without the consent of the Police and Education and Children's Services. Neither should a disciplinary investigation be commenced until the outcome of a Child Protection investigation is known, unless there are exceptional circumstances. The disciplinary investigation should follow the disciplinary procedure.

## **Action following initial consideration**

If it is decided that the allegation does not involve a potential criminal investigation, the Principal must then decide how to deal with the matter; this could include reconvening a strategy discussion.

If the Principal decided that the allegation does not require formal disciplinary action, the informal resolution section of the disciplinary procedure should be followed within 3 working days of the completion of the initial discussions.

If the Principal decides that a formal disciplinary investigation is required, the formal stage of the disciplinary procedure should be followed.

## **Keeping records**

It is important that a clear and comprehensive record of any allegation is made even if police/disciplinary action is not taken or proven. This should include:

- details of the allegation;
- how the allegation was followed up and resolved;
- a note of any action taken, including any sanctions imposed.

If the record follows disciplinary action the standard documentation should be used. The record should be kept on the employee's personal file.

The purpose of the record is to enable accurate information to be given in response to any future reference request, if the individual leaves/has left the organisation. It is also important that accurate and detailed information is given to the Independent Safeguarding Authority, if the individual is referred due to the nature of the allegation.

Accurate record keeping will also provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction. The record should be retained indefinitely if the allegation is about abuse/harm to a child or young person.

## **Confidentiality**

Confidentiality should be maintained when an allegation is made; however there may be a need to share information with relevant agencies for example at a planning/strategy meeting. This would be on a need to know basis.

Any enquiries from the press should be directed to the Chair of Governors.

In respect of a Freedom of Information or Data Protection request, the Academies Finance Director should be contacted.

## **Action to be taken in respect of false allegations**

If an allegation made by a child or young person is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation is in need of services or may have been abused by someone else.

Where an allegation is made by an employee or volunteer and found to be false and/or malicious, an investigation should take place under the Academy Disciplinary Policy. The police may also be asked to consider whether they should take any action against the individual making the allegation.

## **Learning lessons**

Where an allegation has been made against an employee, lessons can be learned whether the allegation was proven or not. At the conclusion of a case, it is important that relevant parties discuss what can be learned and therefore lead to improved practice.

In the case of children and young people, the LADO and the Principal should review the case.

## **Resignation and compromise agreements**

The fact that an employee volunteers to resign or ceases to provide their services, must not prevent an allegation being followed up in accordance with the provisions of this Policy. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, young people and vulnerable adults.

## **Referral to the Independent Safeguarding Authority**

If an investigation results in one of the following scenarios, the Local Authority has a legal obligation to make a referral to the Independent Safeguarding Authority which could result in the employee being barred from working with children, young people and/or vulnerable adults:

an individual satisfies any of the criteria under which he could be barred or considered for barring, such as a specified offence against a child/vulnerable adult, or conduct which endangers a child/vulnerable adult;

An individual is engaged or may engage in a regulated or controlled activity;

The Independent Safeguarding Authority Board may consider it appropriate for the individual to be included in a barred list.

## **Information sharing**

In a strategy/planning or initial evaluation of the case, the agencies concerned must share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim.

In line with LSCB procedures, the police from the outset should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Local Authority for disciplinary purposes. This should be done as their investigation proceeds rather than after it is concluded, enabling the police to share relevant information without delay at the conclusion of their investigation or any court case (and act as witness).

Children's Social Care/Adult Social Services should adopt a similar procedure when making enquiries to determine whether the child/young person or vulnerable adult named in the allegation, is in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the Council without delay.