

Oakfield Lodge School



Allegations of Abuse Against Staff

Written by: CE

Reviewed by: SN

Last review: September 2020

Next review: September 2021

Managing Allegations of Abuse against Staff Policy

1. Introduction

- 1.1 It is essential that any allegation of abuse made against a member of staff, students on placement or volunteers in our setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Thus, the procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.
- 1.2 All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations will be reported straight away, to the Head of School, or to the Chair of Governors in cases where the Head of School is absent or is the subject of the allegation or concern.
- 1.3 This policy follows the Government guidance in chapter 5 of 'Safeguarding Children and Safer Recruitment in Education 34 '. Oakfield Lodge School also adopts the Government guidance - "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children" (March 2013), which sets out the framework for managing cases of allegations of abuse against people who work with children.

2. Purpose

- 2.1 This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The School's complaints and child protection procedures will be followed alongside this policy.
- 2.2 This policy will be used in respect of all cases in which it is alleged that a member of staff (including a volunteer or student) has:
 - **behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for the definition of harm);**
 - **possibly committed a criminal offence against or related to a child; or,**
 - **behaved towards a child or children in a way that indicates she/he is unsuitable to work with children. This will include cases of verbal abuse.**
- 2.3 There may be up to 3 strands in the consideration of an allegation:
 - a police investigation of a possible criminal offence;
 - enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
 - consideration by the School of disciplinary action in respect of the individual.

3. Supporting Those Involved

- 3.1 Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. The deliberations of a disciplinary hearing and the information taken into account in reaching a decision cannot normally be disclosed, but the parents or carers of the child will be told the outcome.

3.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Chair of Governors to consider what support the child or children involved may need. The Chair of Governors and Head of School will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Chair of Governors and the Head of School will also keep the individual informed about developments at the School. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

4. Confidentiality

4.1 Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated and or considered.

5. Resignations and "Compromise Agreements."

5.1 The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

5.2 Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated, will continue even if the person does not cooperate.

5.3 Similarly, so-called "compromise agreements," by which a person agrees to resign and the School agrees not to pursue disciplinary action, and where both parties agree a form of words to be used in any future reference, **will not be used in cases of alleged child abuse.** In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) for consideration of placing the person's name on the Children's Barred List where circumstances require that.

6. Record Keeping

6.1 A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

6.2 It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

7. Timescales

7.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

8. Initial Considerations

8.1 The Local Authority Designated Officer (LADO) should be informed, by the Head of School or Chair of Governors, in the case of an allegation against the Head of School, in all allegations of abuse against staff on the same day, even where the police are contacted directly. **(Cheshire East Assistant LADO on 01606 288931) Cheshire East Allegations against Staff Procedures.**

<http://www.online-procedures.co.uk/cheshireeast/contents>

8.2 The Head of School, or Chair of Governors, must complete a Cheshire East Referral Form (Appendix 2) and email it directly to the Children's Safeguarding Unit within 24 hours of the allegation being made.

8.3 The Head of School will inform the accused person about the allegation as soon as possible after consulting the Chair of Governors and the LADO. **However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Head of School will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.** If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

8.4 If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Head of School with the LADO and other appropriate agencies, such as the police and social services.

8.5 In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, **the Head of School will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.**

(N.B.: The police will be consulted about any case in which a criminal offence may have been committed.)

8.6 If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

8.7 The LADO and the Head of School may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary. In these circumstances, the options open to the School depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

9. Suspension

9.1 Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

9.2 The power to suspend is vested in the Head of School and the Board of Governors. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the School's consideration of suspension.

10. Action on Conclusion of a Case

10.1 If the allegation is substantiated and the person is dismissed, or the School ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Head of School will determine with the LADO whether a referral to the ISA is required, or advisable. The school must report to the ISA, any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. **(Cheshire East Assistant LADO on 01606 288931)**. This report will be made within one month of the decision to cease using the services of that person.

10.2 In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the School will consider how best to facilitate that. The Governors appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The School will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the School.

10. Action in Respect of False Allegations

10.1 If an allegation is determined to be false, the Head of School will refer the matter to children's social services to determine whether the child concerned is in need of such services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head of School will consider whether any disciplinary action is appropriate against the staff/child who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a child.

11. Cheshire East Allegations against Staff Procedures

<http://www.online-procedures.co.uk/cheshireeast/contents>

http://www.cheshireeast.gov.uk/education_and_learning/early_years_and_childcare/safeguarding/safe_recruitment.aspx

Appendix 1

Contact Information

Cheshire East LADO

0300 123 5012

1st Floor

Westfields

Middlewich Road

Sandbach

Cheshire

CW11 1HZ

Training

lsctrainingadministrator@cheshireeast.gov.uk

General email:

CESCP@cheshireeast.gov.uk

Appendix 2

ALLEGATIONS AGAINST AN ADULT WHO WORKS WITH CHILDREN

REFERRAL FORM

To be completed by the Senior Manager (or other designated person to provide the information) of the employing agency for the adult concerned. To be emailed directly to the Children's Safeguarding Unit within 24 hrs of the allegation being made.

DATE ALLEGED INCIDENT HAPPENED	
DATE ALLEGATION RECEIVED BY REFERRING AGENCY	
DATE ALLEGED INCIDENT REFERRED TO CHILDREN'S SAFEGUARDING UNIT	

1. ADULT AGAINST WHOM THE ALLEGATION HAS BEEN MADE

NAME					
D.O.B.		GENDE R		ETHNICIT Y	
ADDRESS					
CONTACT DETAILS	TEL :		EMAIL:		
JOB TITLE					
EMPLOYER					
EMPLOYER ADDRESS &CONTACT DETAILS					
	TEL :		EMAIL:		

EMPLOYING AGENCY OF THE ADULT CONCERNED (WHERE ALLEGATION/INCIDENT OCCURRED)							
SOCIAL CARE	HEALTH	EDUCATION	CONNEXIONS	FOSTER CARERS			
POLICE	YOT	PROBATION	CAFCASS	SECURE ESTATE			
FAITH GROUP	NSPCC	ASYLUM/IMMIGRATION			VOLUNTARY YOUTH ORG.		
ARMED FORCES	OTHER	IF OTHER OR VOL. YOUTH ORG. PLEASE STATE WHICH					

2. HAVE THERE BEEN ANY PREVIOUS ALLEGATIONS AGAINST THE ADULT?: YES/ NO

If YES, please provide details including dates and any previous referrals to the Children's Safeguarding Unit:

3. REFERRER

NAME	
JOB TITLE	
ORGANISATION	
CONTACT DETAILS (inc. E-Mail Address)	

4. SENIOR MANAGER

IS THE SENIOR MANAGER OF EMPLOYING AGENCY OF THE ADULT CONCERNED AWARE OF THE ALLEGATION? YES/NO

If no, please give a reason why not:

5. CHILD'S DETAILS

NAME					
DATE OF BIRTH		GENDE R	MALE/FEMAL E	ETHNICI TY	
CURRENT ADDRESS (inc. postcode)					
CONTACT DETAILS	TEL		EMAIL		
PARENTS/CAR ERS					
PARENTS/CAR ERS ADDRESS (inc. postcode)					
CONTACT DETAILS	TEL		EMAIL		

DOES THE CHILD HAVE ANY COMMUNICATION NEEDS? YES/NO

If so please state what:

IS THE CHILD KNOWN TO CHILDREN'S SOCIAL CARE?		YES/NO	PARIS ID						
IF YES, PLEASE INDICATE IN WHAT CAPACITY (Please tick):									
FAMILY SUPPORT		CHILD PROTECTION PLAN		LOOKED AFTER CHILD (see below also)					
LEGAL STATUS IF LOOKED AFTER CHILD(Please tick):									
S.20 ACCOMMODATION		INTERIM CARE ORDER		CARE ORDER		PLACEMENT ORDER		SPECIAL GUARDIANSHIP	
CHILD'S SOCIAL WORKER									
CONTACT DETAILS		TEL				EMAIL			
HAS THE CHILD'S SOCIAL WORKER BEEN INFORMED? YES/NO									
If not please give reasons why not:									

6. ARE THERE ANY OTHER CHILDREN INVOLVED IN THE ALLEGATION? YES/NO

(Please provide details below)

NAME	DATE OF BIRTH	ADDRESS & CONTACT DETAILS	PARENTS (Inc. address & contact details if different from child)

7. DOES THE ADULT CONCERNED HAVE CONTACT WITH ANY OTHER CHILDREN? (Including their own children, grandchildren or via extended family networks/friends/youth groups/other employment, etc.)

NAME	DATE OF BIRTH	RELATIONSHIP TO ADULT CONCERNED	ADDRESS & CONTACT DETAILS

8. NATURE AND DETAILS OF ALLEGATION

Please indicate the nature of the allegation (Please tick):							
PHYSICAL		SEXUAL		EMOTIONAL		NEGLECT	
DOES THE ALLEGATION INVOLVE THE USE OF COMMUNICATIONS TECHNOLOGY?							YES/NO
IF YES, PLEASE INDICATE THE FORM OF COMMUNICATION USED: i.e. mobile phone imagery, text, social networking site, the internet, etc.							

PLEASE PROVIDE FACTUAL DETAILED INFORMATION ABOUT WHAT HAS BEEN SEEN OR HEARD AND BY WHOM:

9. DISCUSSIONS AND ACTIONS

RECORD OF DISCUSSION AND ACTIONS (To be completed by Children’s Safeguarding Unit)

10. DECISION (To be completed by Children's Safeguarding Unit)

DOES THIS MATTER MEET THE CRITERIA FOR INVESTIGATION UNDER LADO PROCEDURES IN APPENDIX 5 OF WORKING TOGETHER (2006)?	YES/NO
ARE ENQUIRIES BEING MADE UNDER S.47 OF THE CHILDREN ACT (1989)?	YES/NO
STRATEGY MEETING TO BE CONVENED	YES/NO
STRATEGY DISCUSSION ONLY (PLEASE TICK)	

11. ACTIONS TAKEN PRIOR TO STRATEGY MEETING / DISCUSSION

ACTION	AGENCY/PERSON RESPONSIBLE	TIMESCALE

12. ANY OTHER RELEVANT INFORMATION PROVIDED / REQUIRED

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13. MEMBER OF STAFF FROM CHILDREN'S SAFEGUARDING UNIT RECEIVING AND RECORDING INFORMATION

MEMBER OF STAFF RECEIVING INFORMATION		DATE:	
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MEMBER OF STAFF COMPLETING THIS FORM		DATE:	
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