



'Doing our best to achieve our best'

Clarendon Primary School, Nursery & Family Centre

Managing allegations of abuse made against staff or volunteers policy

Introduction

Clarendon Primary School and Family Centre are committed to the highest possible standards of care and safety for its children as well as honesty and openness from its staff. As a result, it seeks to conduct its affairs in a transparent and responsible manner that ensures all school and Family Centre activities are effectively managed and the safe welfare of all children is maintained.

To this end this policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.
(**N.B** – This includes behaviour that may have happened outside of the setting, that might make an individual unsuitable *to work with children. This is known as transferable risk.*)

This applies regardless of whether the alleged abuse took place in the school. Furthermore, it is important to note that allegations made against a teacher, who is no longer teaching, and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, and in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. Procedures for dealing with allegations will also be applied with common sense and judgement.

Suspension

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or if the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on a assessment of risk, (see appendix 1) we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children.
- Where parents have been consulted and if possible/appropriate, moving the child or children to classes where they will not come into contact with the individual. (If this happens, it will be made clear to the child/ren that this is not a punishment.)
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or in other work for the Local Authority.

Definitions for outcomes of allegation investigations

- **Substantiated:** this is where there is sufficient evidence to prove the allegation.
- **Malicious:** this is where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **False:** this is where there is sufficient evidence to disprove the allegation.
- **Unsubstantiated:** this is where there is insufficient evidence to either prove or disprove the allegation, (this does not imply guilt or innocence).
- **Unfounded:** this is to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure for dealing with allegations

In the event of an allegation being made that meets the criteria above, the headteacher or chair of governors, where the headteacher is the subject of the allegation, will take the following steps:

- Immediately discuss the allegation with the designated officer (LADO) at the local authority, subsequently completing and submitting the LADO's 'notification of allegation against a professional' form. (See appendix 2) This is to consider the nature; content and context of the allegation; obtain additional relevant information, (such as previous history, whether the child or their family have made similar allegations and about the individual's current contact with children) and agree a course of action. This may include whether further enquiries are necessary to enable a decision on how to proceed to be made and whether it is necessary to involve the police and/or children's services.
***N.B** – The headteacher/chair of governors may, on occasions, consider it necessary to involve the police before consulting the designated officer; for example, if the accused individual is deemed to be at immediate risk to children or if there is evidence of a possible criminal offence. In such cases, the headteacher/chair of governors will notify the designated officer as soon as practicably possible after contacting the police.*
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (LADO), and where necessary, the police or children's services.
Where the police and/or children's services are involved, the headteacher/chair of governors will only share such information with the individual that has been agreed with these agencies.
- Where appropriate, (in the circumstances described above) carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice, that will help inform this decision, will also be sought from the designated officer (LADO), police and/or children's services, as appropriate.
***N.B** – In any event this decision, as well as actions taken to mitigate any risk, if the person is not suspended will be recorded on the completed risk assessment. (See appendix 1.)*

Possible causes of action

If immediate suspension is considered necessary, this will be agreed and the rationale for this will be recorded with the designated officer (LADO). The record will include information about the alternatives to suspension that have been considered and why they were rejected.

Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day. The individual will also be given a named contact at the school as well as their contact details.

If it is decided that no further action is to be taken, with regards to the subject of an allegation or concern, this decision and the justification for it will be recorded and agreed with the designated officer (LADO). It will also be agreed what information should be put in writing to the individual, and by whom, and what action the school should follow in respect of the individual and those who made the initial allegation.

If it is decided that further action is needed, steps agreed with the designated officer (LADO) will be taken in order to initiate the appropriate action in school. Where it is felt necessary, this will include liaison with the police and/or children's services.

Provision of support for the individuals concerned

Effective support, for the individual facing the allegation or concern, will be provided. This will include appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate for them. They will also be advised to seek advice from their trade union and will be provided with the details of the 'employee assistance's service' who can be contacted on 0800 028 5147, with further information available at <https://strictlyeducation.optimise.health>.

Following agreement with the designated officer, (LADO) and where applicable children's services and/or the police, the headteacher/chair of governors will make contact with the parents/carers of the child/ren involved to inform them of the allegation as soon as possible.

The headteacher/chair of governors will also:

- Inform the parents/carers of the requirement to maintain confidentiality about any allegations made against teachers, (where this applies) while investigations are ongoing.
N.B – Any parent/carer who wishes to have the confidentiality restrictions removed, in respect of a teacher, will be advised to seek legal advice.
- Keep the parents/carers of the child/ren involved informed of the progress of the case and (where there is not a criminal prosecution) the subsequent outcome, including (in confidence) the outcome of any disciplinary process.
- Make a referral to the Disclosure and Barring Service where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child or if the individual otherwise poses a risk of harm to a child.
- If the allegation relates to a child within our early years setting, inform Ofsted of any allegations relating to serious harm or abuse by any person at the school and any action taken in respect of the allegations. *(N.B – This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.)*
- If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, the headteacher/chair of governors will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.
- Where the police are involved, wherever possible the governing body will ask the police (at the start of the investigation) to obtain consent from the individuals involved to share their statements and any evidence collected for use in the school's disciplinary process, should this be required at a later point.

Concluding investigations

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, including any in which the person concerned refuses to cooperate with the process.

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with the guidance outlined in 'Keeping Children Safe in Education'. This includes making a referral to the Disclosure and Barring Service if the criteria for this is met.

Timescales

It is in everyone's interest to resolve cases as quickly as possible and in a way that is consistent with a fair and thorough investigation. As a result all allegations will be investigated as a priority to avoid any delay; however, time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. In general:

- Any cases, where it is immediately clear that the allegation is unsubstantiated or malicious, this will be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.
- If a disciplinary hearing is required, and can be held without further investigation, we will hold this within 15 working days,

Specific actions

Action following a criminal investigation or prosecution

The headteacher/chair of governors will discuss with the local authority's designated officer (LADO) whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. If applicable, this decision will take into account information provided by the police and/or children's services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services or the individual resigns or otherwise ceases to provide their services, the headteacher/chair of governors and the school's personnel adviser will discuss with the designated officer (LADO) whether to make a referral to the Disclosure and Barring Service for consideration as to whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the headteacher/chair of governors and personnel adviser will discuss with the designated officer (LADO) whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

If it is decided, on the conclusion of a case, that an individual who has been suspended can return to work, the headteacher/chair of governors will consider how best to facilitate this.

The headteacher/chair of governors will also consider how best to manage the individual's contact with the child/ren who made the allegation, if they are still attending the school.

Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented or malicious, the headteacher or chair of governors will consider whether any disciplinary action is appropriate against the person or pupil(s) who made it.

The headteacher/chair of governors will refer the matter to the children's services to determine whether the child concerned is in need of services or may have been abused by someone else. They will also consider whether the police should be asked to consider whether action might be more appropriate, even if they are not a pupil.

Confidentiality

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the local authority's designated officer (LADO), police and children's services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents/carers of a child/ren involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.

Record-keeping

- The headteacher/chair of governors will maintain clear records about any case where the allegation or concern meet the criteria above and will store them on the individual's confidential personnel file for the duration of the case. Such records will include:
 - A clear and comprehensive summary of the allegation.
 - Details of how the allegation was followed up and resolved.
 - Notes of any action taken and decisions reached as well as justification for these.
- After completion of the investigation the headteacher/chair of governors will complete the local authority's 'summary of child protection allegation/concern' form, (appendix 3) returning a copy to the

designated officer (LADO) & placing a copy of on the personnel file of the member of staff the allegation relates to. (**N.B** – This would not be placed on the member of staff's personnel file where the allegation/s that are found to have been malicious.)

- If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file and provide a copy of it to the individual.
- Where records contain information about allegations of sexual abuse, for the term of the inquiry, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA).
- The school will retain all other records at least until the individual has reached normal pension age or for 10 years from the date the allegation was made, if that is longer.
- The records of any allegation, that is found to be malicious, will be deleted from the individual's personnel file.

References

When providing future employer references, the school will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

Learning lessons

After any case, where allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer (LADO) to determine whether there are any improvements can be made to the school's procedures or practice in order to help prevent similar events in the future.

This will review will also include consideration of the following, (as applicable and appropriate):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated.
- How future investigations of a similar nature could be carried out without suspending the individual.

Managing low level Concerns

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

A low-level concern relates any action, (no matter how small and even if no more than causing a sense of unease or a 'nagging doubt') that an adult, working in school or on behalf of the school, may have done that is considered inconsistent with the staff code of conduct. This includes inappropriate conduct outside of work. Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language

'Low level concerns' should be reported the headteacher, or if they related to the headteacher. Karen Handley (chair of governors).

The purpose of reporting low-level concerns is to create and embed a culture of openness, trust and transparency in which the organisation's values and expected behaviour, (as set out in the staff code of conduct) are lived, monitored and reinforced constantly by all staff.

Other relevant policies:

This policy should be read in conjunction with the following policies:

- Child Protection Policy
- Safer Recruitment Policy
- Whistle Blowing Policy
- Staff code of conduct
- E-safety Policy

Monitoring arrangements

This policy will be reviewed by the headteacher, in consultation with the chair of governors.

Review

Date reviewed by governing body: Summer Term 2023

Date due for review: Summer Term 2026

Appendix 1

Risk assessment form

Risk Assessment

Name of employee		Role	
Name of assessor		Date	

Outline nature of allegation(s) against employee.				
If substantiated, are the offence(s) of a nature to warrant consideration of summary dismissal?	Yes		No	

Assessment of Risk						
Potential hazard		Likelihood (tick one)				
		Very low	Low	Mod- erate	High	Very high
Is there a risk to the safety or welfare of others?						
Detail:	The allegation relates to an isolated incident, which has not be substantiated by the other child reportedly involved. The adult in question also doesn't work with this child or work in his class. Advice identified by the LADO, providing advice, stated that the child in question has not 'been 'harmed' or placed at 'risk of harm'.					
Is there a risk to the individual's safety or welfare?						
Detail:	The allegation relates to an isolated incident, which has not be substantiated by the other child in the vicinity. The adult in question also doesn't work with this child or work in his class. Advice identified by the LADO providing advice stated that the child in question has not 'been 'harmed' or placed at 'risk of harm'. Furthermore, the context of the allegation doesn't indicate that this is likely to escalate.					
Is there a risk to school premises or property?						
Detail:	The allegation made does not relate in any way to the school premises or its property.					

Is there a risk to the investigation (e.g. potential for interference)?						
Detail:	The adult in question doesn't work with this child or work in his class. Currently they are not aware that an allegation has been made.					
Is there a risk to reputation if the individual is allowed to work?						
Detail:	The adult in question also doesn't work with this child or work in his class. Currently they are not aware that an allegation has been made.					
Other identified risk(s):						
Detail:						

Alternatives to Suspension				
Are there alternatives to suspension which would lessen the risk?			Yes	No
<u>Examples to consider might include:</u> <div> <i>Transfer to other duties</i> <i>Change to working hours</i> </div> <div> <i>Restriction of duties</i> <i>Home-working</i> </div> <div> <i>Transfer to another area of work / department</i> </div>				

Overall Assessment			
Decision of manager/assessor	Suspend	Do Not Suspend	
If decision is <u>not</u> to suspend control measures / alternatives to suspension			

Signature of assessor		Date	
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Appendix 2

Notification of allegation against a professional form



NOTIFICATION OF ALLEGATION AGAINST A PROFESSIONAL

- *Do ensure that urgent medical treatment is sought if required, and that the child is supported.*
- *Please record information and facts given to you as soon as possible.*
- *Please do not attempt to obtain written statements from the child or young person concerned, or ask leading questions.*
- *Do not discuss or inform the member of staff concerned that this referral is being made unless advised to by HR or one of the Local Authority Designated Officers.*
- *It is not your duty to investigate the allegation as this may lead to evidence being lost/contaminated or may even put the child, or others, at risk.*

NAME OF
ORGANISATION:

ADDRESS OF
ORGANISATION:

NAME &
DESIGNATION

TELEPHONE & EMAIL:

DATE CONCERN
CAME

DATE OF REFERRAL:

DETAILS OF CHILD (PLEASE COMPLETE A SEPARATE FORM FOR EACH CHILD)

Name:

Date of Birth:

Ethnic Group:

Address:

Postcode

Is the Child known to
Children's Social Care if
Yes give details
including name of
social worker:

Any Special Needs:

Name of parents/carers:
address if different from
above including dates of
birth if known:

Contact Number:

Name(s) and dates of
birth of Sibling(s):

DETAILS OF MEMBER OF STAFF

Name: _____

Date of Birth: _____

Ethnicity: _____

Address: _____

Telephone Number: _____

Position held in
Organisation: _____

Details of employer if
different from above: _____

Dates of Employment: _____

Date of last DBS check: _____

Other known work with children, ie scouts, church, youth work (paid/voluntary):

Details of any Previous Concerns:

WITNESSES

1. Name: _____

Role: _____

Contact Details: _____

2. Name: _____

Role: _____

Contact Details: _____

3. Name: _____

Role: _____

Contact Details: _____

DESCRIPTION OF CIRCUMSTANCES AND CONTEXT OF THE ALLEGATION/INCIDENT/ CONCERN

Date & Time of
Incident: _____

Place of Incident: _____

Details of incident including full description and context:

Details of any action taken by referring agency to safeguard the child/ren. ie suspension, medical attention:

To report an allegation against a professional please contact the Local Authority Designated Officer (LADO) on Tele:

Please send completed forms to:

LADO@surreycc.gov.uk

The partnership procedures for managing allegations against professionals who work with children can be found at <https://surreyscb.procedures.org.uk/>

The following section to be completed by the LADO

ADVICE GIVEN BY THE LADO:

ACTION TAKEN BY THE LADO:

Appendix 3

Summary of child protection allegation / concern form

www.surreycc.gov.uk



Children, Schools and Families

Summary of Child Protection Allegation / Concern

to be placed on personnel file / kept by the agency

NAME

DATE

Explanatory statement

This statement is made in accordance with 'Working Together to Safeguard Children' HM Government 2015 and Keeping Children Safe in Education 2018. This applies to all adults who work in the children's workforce whether in a paid or voluntary position, including those who work with children and young people on a temporary, supply or locum basis.

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept on an employee's confidential personnel file, (or in the case of a volunteer, confidentially stored by the agency), and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. For those working in education settings - cases where an allegation was proven to be unsubstantiated, unfounded, malicious or false should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, unfounded or false should also not be included in any reference. This does not apply to the rest of the children's workforce.

It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record should be retained at least until you have reached retirement age or for a period of 10 years from the date of the allegation if that is longer.

1 Summary of allegation:

2 How allegation was followed up:

3 Outcome of investigation:

4 Action taken and decisions reached:

5 Education Settings:

Please note that there was a change in statutory Guidance for Education settings in July 2011, regarding allegations management. This has now been replaced by Part 4 of Keeping Children Safe in Education. Only allegations which are deemed to be substantiated should be referred to in any future reference*

6 What learning has come from the allegation:

Please write what learning has been gained for the **organisation and the employee** such as training to be completed, amendments/changes to policies and procedures*

Employee Comments:

Signed by:

Date

Responsible Manager

Name

LADO (where consulted)

Date

Name

Employee

Date

Name