



# Milecastle Primary School

## Procedure for dealing with Allegations made against staff, volunteers and agency workers

School has adopted the recommended LA model procedures

## Procedure for Dealing With Allegations of Abuse Made Against Staff, Volunteers and Agency Workers

### 1 Scope

This procedure is recommended for adoption by the governing bodies of community, voluntary controlled and voluntary aided schools.

### 2 Purpose

This procedure is about managing cases of allegations that might indicate that a person is unsuitable to work with children in their present position or in any capacity.

The purpose of the procedure is to ensure that any allegation of abuse made against a member of staff, volunteer or agency worker is dealt with fairly, quickly and consistently. The procedure aims to provide effective protection for the child and at the same time support the person who is the subject of the allegation.

### 3 Legal considerations

- **Education legislation:** There are various statutory requirements on local authorities and schools to safeguard and promote the welfare of children. The framework for managing cases of allegations of abuse made against people who work with children is set out in 'Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children'.
- **Statutory reporting:** The school and local authority are required to supply information to ISA where they have dismissed or ceased to use the services of a person because they consider the person is unsuitable to work with children.

### 4 Roles and responsibilities

- **Governing Body:** The governing body has overall responsibility for ensuring that there are appropriate procedures in place for dealing with allegations of abuse made against people working with children that comply with guidance from the local authority and locally agreed inter-agency procedures.
- **Head Teacher:** The head teacher is responsible for ensuring that the policies and procedures adopted by the governing body are fully implemented and followed by all staff.
- **Local authority designated officer (LADO):** The LADO for schools is the Head of Education Welfare. This person has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues and for liaison with the Local Safeguarding Children Board (LSCB). In addition, s/he will also be involved in the management and oversight of individual cases including providing advice and guidance, liaising with the police and social services and monitoring the progress of cases to ensure they are dealt with quickly, consistently and fairly.
- **Employee representatives:** Where an employee is subject to an allegation of abuse, they should be encouraged to contact their trade union for advice. The

recognised trade unions in Newcastle are ASCL, ATL, NAHT, NASUWT and NUT for teaching staff and GMB and Unison for support staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually.

## **5 Policy statement**

The governing body and local authority are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.

The standards expected from staff and volunteers are set out in the school's 'Code of Conduct for School Employees and Volunteers'. The governing body takes seriously any allegation that a member of staff or volunteer has acted inappropriately regarding the welfare of children and aims to deal with these on a timely, consistent and fair basis. Unacceptable conduct by employees may be dealt with under the school's disciplinary procedure and could include dismissal from employment. Unacceptable conduct by volunteers or agency workers could result in the end of the arrangements for their services.

The governing body recognises that 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 avoid any unnecessary delay. The time taken to investigate and resolve individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegation. The timescales shown for different actions within the procedure are therefore indicative and will be adjusted where necessary, particularly where they are outside the control of the school.

## **6 Action when dealing with an allegation of abuse against a member of staff, volunteer or agency worker**

The detailed arrangements for handling all allegations of abuse (not just those against a member of staff or volunteer) are set out in the local authority's 'Child Protection Procedures'. Specific considerations when dealing with allegations of abuse made against a member of staff, volunteer or agency worker in a school context are set out below.

The flowchart in Appendix 1 summarises the process.

### **6.1 Initiating the procedure**

The procedure will be initiated where it is alleged that the member of staff, volunteer or agency worker:

- 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; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

### **6.2 Reporting of allegations**

- An allegation against a member of staff or volunteer should be reported to the head teacher immediately. If the allegation is about the head teacher, it should be reported to the chair of governors. If the allegation meets any of the criteria set out above, the head teacher or the chair of governors should report it to the local authority designated officer the same day. The school's HR adviser will also be informed.

- In some cases allegations may arise from a complaint under the 'Policy for Confidential Reporting of Concerns' ("whistleblowing"). Where the nature of the complaint meets any of the criteria set out above, this should be brought to the attention of the head teacher immediately.
- Where an allegation against a member of staff or volunteer is made to the police or children's social care, the officer who receives it will inform the local authority designated officer without delay. S/he should inform the head teacher and the school's HR adviser the same day.

### **6.3 Initial consideration**

- There may be up to three strands in the consideration of an allegation:
  - enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
  - a police investigation of a possible criminal offence;
  - consideration by the school of disciplinary action (or other appropriate action where the person is not a school employee).
- The local authority designated officer will discuss the matter with the head teacher (or chair of governors) and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The head teacher should not investigate the allegation at this stage. The discussion should also consider whether there is evidence or information that establishes that the allegation is false or unfounded.
- If the parents/carers of the child are not already aware of the allegation, the local authority designated officer will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the local authority designated officer should consult those colleagues about how best to inform parents.
- The head teacher should inform the person against whom the allegation has been made as soon as possible after consulting the local authority designated officer. However, where the police or social care may need to be involved, the head teacher should 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, s/he should be advised to contact that organisation for advice.
- Considerations about whether an employee should be suspended or placed on paid leave pending further action are set out in the Disciplinary Procedure and should be decided in consultation with the school's HR adviser. The local authority, the police or children's social care cannot require the school to suspend a member of staff. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by social care and/or an investigation by the police, the local authority designated officer should canvass police and social care views about whether the member of staff needs to be prevented from having contact with children so that this can inform the school's consideration.
- An employee who is suspended or placed on paid leave will be provided with the name of an HR adviser as an information contact. The main role of the contact person is to provide information about the progress of the investigation. Social contact with colleagues and friends at the school

should not be prevented except where it is likely to be prejudicial to an investigation.

#### **6.4 Case where children's social care undertakes enquiries**

- If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the local authority designated officer will immediately refer to children's social care and ask for a strategy discussion to be convened straight away involving the local authority children's social care and the police. The discussion should include the local authority designated officer and the head teacher.
- If the allegation is about physical contact, the strategy discussion should take account of the fact that school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances including dealing with disruptive behaviour.
- In a strategy discussion the agencies concerned should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.
- In such cases children's social care should consider what support the child or children involved may need.
- Wherever possible children's social care should obtain consent from the individuals concerned to share the evidence they obtain with the school for disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded.
- In any case in which children's social care has undertaken enquiries to determine whether a child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should be passed to the school once the enquiries are concluded. The school will then consider any action that it needs to take, as set out below.

#### **6.5 Case subject to police investigation**

- If there is not cause to suspect that "significant harm" is involved but a criminal offence may have been committed, the local authority designated officer should immediately inform the police and convene an initial evaluation meeting to decide whether a police investigation is needed. The discussion should include the head teacher and any other agencies involved with the child. Where a police investigation is necessary, the joint evaluation will also consider whether there are matters which can be taken forward under the disciplinary procedure in parallel with the criminal process or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.
- If the allegation is about physical contact, the initial evaluation with the police should take account of the fact that school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances including dealing with disruptive behaviour.
- In an initial evaluation of the case the agencies concerned should share all

- relevant information they have about the person who is the subject of the allegation and about the alleged victim.
- In such cases the police should consider what support the child or children involved may need.
- If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible and will keep the progress of the case under review. At the outset they should set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence or close the case. Wherever possible that review should take place no later than four weeks after the initial evaluation meeting and, if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point.
- Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded.
- If the police and/or CPS decide not to charge the person with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all the information they have which may be relevant to a disciplinary case to the school within three working days of the decision. The school will then consider any action that it needs to take, as set out below.
- If the person is convicted of an offence, the police should also inform the school immediately so that appropriate action can be taken, as set out below.

## **6.6 Case subject to action by the school**

- If the allegation is such that it is clear that enquiries by social care and/or investigation by police are not necessary, or the strategy discussion or initial evaluation decides that is the case, the local authority designated officer should discuss appropriate action with the head teacher within three working days in consultation with the school's HR adviser. In deciding on the course of action to be taken, the head teacher will consider:
  - the nature and circumstances of the allegation;
  - the evidence available; and
  - the available courses of action depending on whether the person involved is an employee, volunteer, self-employed or is supplied by an agency, contractor or partner organisation.
- In the case of employees, reference should be made to the school's Disciplinary Procedure in considering the available course of action.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action, the head teacher will discuss who will undertake that with the local authority designated officer. In some circumstances it may

be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. The investigating officer should aim to provide a report within 10 working days. On receipt of the report, the head teacher should consult the local authority designated officer within two working days and decide whether a disciplinary hearing is needed. If a hearing is needed, it should be held within 15 working days.

- Where the person is a volunteer or self-employed, normal disciplinary procedures will not apply, although similar arrangements for conducting an internal investigation should apply. The outcome may be that the services of the person are no longer required.
- Where the person involved is supplied by an agency, contractor or partner organisation, the third party organisation will need to be involved in and cooperate with any action taken and the local authority designated officer will advise them about an appropriate process. The outcome may be that the services of the person are no longer required.

## **6.7 Communication during and at the end of the case**

- Parents/carers of a child or children involved should be kept informed of progress of the case.
- The school will also keep the person who is the subject of the allegations and his/her representative informed of the progress of the case and consider what other support is appropriate for the individual. This may be done by the person's HR contact officer.
- The local authority designated officer will regularly monitor the progress of the case, through liaison with social care, the police and/or the school as appropriate. Reviews should be held at fortnightly or monthly intervals depending on the circumstances of the case.
- The parents or carers of a child or children involved should be informed of the outcome of the case including the outcome of any disciplinary process. The confidentiality of detailed information about the disciplinary process is set out in the Disciplinary Procedure.

## **7 Resignations and Compromise Agreements**

- The fact that a person tenders his/her resignation, or ceases to provide their services, must 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 on the safety or welfare of children, including any in which the person refuses to cooperate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. Failing this or if the person refuses to cooperate, the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue. It may be difficult to reach a conclusion in those circumstances and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete but the school will aim to reach and record a conclusion wherever possible.
- Compromise agreements, where the person agrees to resign and the school agrees not to pursue disciplinary action, must not be used in these cases. In any

event, such an agreement will not prevent a police investigation nor the school exercising its statutory duty to make a referral to ISA where appropriate.

## **8 Notification to the Independent Safeguarding Authority (ISA)**

- Employers and agents in the education sector are required to supply information to ISA where they have ceased to use the services of a person (including a volunteer or worker from a supply agency) on a number of grounds including where they consider that the person is unsuitable to work with children.
- Information must also be provided where the employer or agent would have ceased to use the person's services on these grounds if the person had not ceased to provide them or might have refrained from reengaging a person on these grounds if the person had not ceased to make themselves available for work.
- The local authority designated officer will discuss with the school and its HR adviser whether a referral to ISA is required. Any referral required will be made within one month.

## **9 Returning to work**

- The school will consider how best to facilitate the return to work of an individual who has been suspended or on paid leave. Depending on the individual circumstances short-term additional support, such as a phased return and/or provision of a mentor, may be appropriate. The school will also consider how the person's contact with the child or children involved in the allegation can best be managed.

## **10 Reviewing the case**

- At the conclusion of a case in which an allegation is substantiated the local authority designated officer will review the circumstances of the case with the head teacher and/or chair of governors to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

## **11 Action in respect of false allegations**

- If an allegation is determined to be false, the local authority designated officer will refer the matter to children's social care to determine whether the child concerned is in need of services or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the head teacher should consider whether any disciplinary action is appropriate against the pupil who made it. Alternatively, the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

## **12 Record keeping**

- A clear and comprehensive summary of allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached must be made. This should be retained on a person's confidential file and made available to the person concerned upon request.
- The purpose of the record is to enable accurate information to be given in

response to any future reference request and to provide clarification in cases where a future CRB certificate of disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It may also help to prevent unnecessary further investigation if an allegation resurfaces after a period of time.

- The records will be retained at least until the person reaches normal retirement age or for a period of 10 years from the date of allegation if that is longer.