

# Medway Community Primary School



## Policy for Managing Allegations against Staff and Volunteers 2024 – 2027

Date:	11/9/24	Headteacher	Signed	
Review Date:	Sept 27	S Williams		
Ratified by Governing Body:				
Michael Berriman		Chair of Governors	Signed	

## Medway Community Primary School

### Policy for Managing Allegations against Staff and Volunteers

#### Introduction

It is essential that any allegation of abuse made against a teacher, other member of staff, governor, volunteer, supply agency staff or contractor at Medway Primary School is dealt with quickly, and in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

All staff and volunteers should know how to recognise and report concerns or allegations and should understand what to do if they receive an expression of concern or allegation against another adult on site or if they themselves have concerns about the behaviour of another adult on site.

All allegations and concerns must be reported straight away to the Headteacher, who will get in touch with the local authority Designated Officer (LADO). The Chair of Governors should also be kept informed if an allegation is made or concern expressed. Complaints about the head teacher should be reported to the Chair of Governors who will then contact the Local Authority Designated Officer (LADO).

We adopt the government guidance, Keeping Children Safe in Education (September 2021) which sets out the framework for managing cases of allegations of abuse against people who work with children.

The policy follows the statutory advice included in Keeping Children Safe in Education (September 2021) and the Teachers Standards 2011

#### Procedures and Thresholds

These procedures should be applied when there is an allegation that any person who works with children, in connection with their employment or voluntary activity, 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 they may pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may be unsuitable to work with children (KCSIE Guidance 2020).

Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 **Sexual Offences Act 2003**);

- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 **Sexual Offences Act 2003**);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs / pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, whose child has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

### **Reporting an allegation.**

All concerns of poor practice or possible child abuse by staff should be reported immediately to the head teacher.

Complaints about the head teacher should be reported to the Chair of Governors who will then contact the local authority designated officer (LADO).

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately (see Whistleblowing Policy).

The Head teacher/Chair of Governors will inform the local authority designated officer (LADO) within one working day when an allegation is made and prior to any further investigation taking place.

The Head teacher will have identified which category the allegation falls under;

1. Allegations that may meet the harms threshold
2. Allegation/concerns that do not meet the harms threshold – referred to as 'low level concerns'.

A discussion will take place with the LADO to decide whether:

- no further actions are needed
- a strategy discussion should take place

Leicester City Council LADO - Local Authority Designated Officer (based within the Safeguarding Unit)

Telephone Number: 0116 454 2440

Email: [Lado-allegations-referrals@leicester.gov.uk](mailto:Lado-allegations-referrals@leicester.gov.uk)

<https://www.lcitylscb.org/about-the-lscpb/local-authority-designated-officer-lado/>

- there should be immediate involvement of the police or social care

The school will share available information with the LADO about the allegation, the child and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police. LADO is the abbreviation for the Local Authority Designated Officer.

### **Role of the LADO**

Each Local Authority has a Designated Officer in post to co-ordinate the management of allegations against those in a position of responsibility for children. The LADO has the overall responsibility for the following:

- Provide advice and guidance to senior nominated officers, employers and voluntary organisations who oversee those professionals that work with children.
- Liaise with the police.
- Monitor the progress of all cases to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process.
- Provide management and oversight of individual cases to ensure the progress of an allegation is thorough, fair and dealt with in a timely manner.
- Responsible for initial considerations of allegations.
- Responsible for chairing Allegation Management Strategy Meetings.

### **Responding to an Allegation**

When allegations arise against a person working with children (including volunteers) the Head teacher follow this procedure.

The procedures should be used when an allegation is made that an adult has:

- Behaved in a way that has harmed, 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 they may pose a risk of harm to children.

If the answer is YES / POSSIBLY / or UNSURE inform the head teacher or chair of governors immediately.

When managing any allegation, the welfare of the child should remain paramount. Adults about whom there are concerns should be treated fairly and honestly and should be provided with support. It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

### **The Managers Initial Response**

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Before contacting the LADO it is important to identify which category the allegation falls into:

- Allegations that may meet the harms threshold
- Allegation/concerns that do not meet the harms threshold – referred to as ‘low level concerns’.

It is also helpful prior to contacting the LADO to obtain basic information from the person that is making the allegation. These enquiries should be kept as simple as four basic questions:

- **Who – who is the allegation against?**
- **What – what happened?**
- **When – When did the incident happen?**
- **Where – Where did the incident occur?**

Managers need to understand which behaviours to address directly through their own complaints or disciplinary procedures and under what circumstances they should contact the LADO.

### **Initial Consideration**

This may be over the phone, via e mail or in some cases face to face between the LADO and the employer, or possibly the police.

There are 2 usual outcomes to an initial consideration:

### **Allegations that may meet the harms threshold**

If there is a clear allegation or if the information is unclear then there must be a discussion with the LADO. The LADO and Head teacher should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to Children's Social Care and them to consider an immediate Section 47 Strategy Meeting. Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 who will also be invited to take part in any subsequent meeting / discussion.

Once it has been decided that the threshold of harm/risk of harm has been met an Allegations Management meeting / discussion will decide the strategy for managing the allegation. Where necessary this will be a face-to-face meeting.

The Allegations Management meeting will be chaired by the LADO. The employer is advised to bring a Human Resources advisor.

The meeting / discussion should:

- Consider the role of Children's Social Care and share information in respect of the child as part of the allegation process;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any legitimate use of by staff to use reasonable force to control or restrain children by staff.
- Consider whether a complex abuse investigation is applicable.
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when.

The meeting /discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring and informing regulatory/professional bodies;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future meetings / discussions.

A final meeting /discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

Target timescales are shown below:

- For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week;
- Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the LADO;
  - In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days;

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

The professionals involved should take in to account the following definitions when determining the outcome of allegation investigations:

**Substantiated: there is sufficient evidence to prove the allegation;**

**False: there is sufficient evidence to disprove the allegation;**

**Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;**

**Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence;**

**Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.**

All relevant professionals must keep the Head teacher and the LADO informed of any developments in the case. Children's Social Care services should not close a case in which the LADO is involved without consulting them.

In cases of dismissal, the DBS must be informed by the senior officer with responsibility for allegations.

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references.

To conclude, the Head teacher and LADO should ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

Where it is concluded that there is insufficient evidence to substantiate an allegation, the LADO should liaise with the Head teacher to enable them to consider what further action, if any, should be taken and record as appropriate.

False allegations may be a strong indicator of abuse elsewhere which requires further exploration.

If an allegation is demonstrably false, the employer, in consultation with the LADO, should consider referring the matter to Children's Social Care services to determine whether the child is in need of services, or might have been abused by someone else.

There are up to four possible outcomes to an allegation and three possible related but independent strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;



- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services; (Refer to the appropriate Children's Social Care team);
- Consideration by an employer of disciplinary action (Ensure that the appropriate registered body is informed in line with the procedures of that organisation);
- Employer led advice or support, i.e. training needs, reflective learning.

### **Concerns that do not meet the harm threshold (Low Level)**

If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

If the allegation falls short of the allegation threshold there may still be a role for the LADO to provide advice and support to the employer.

If another agency such as Children's Social Care identifies a person who works with children that poses risk of harm, they should alert the LADO outlining the risk the individual poses. The LADO will then share the information with the employer in order for them to make a risk assessment, and whether they feel a strategy meeting is required.

### **Disciplinary Action**

The school may suspend an alleged perpetrator – this is a neutral act and should not be seen as sanction, more as a way in which to safeguard both the child/ren and the employee. Suspension should be considered in every case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants investigation by police
- The allegation is so serious that it might be grounds for dismissal

All evidenced gathered as part of the investigation should be managed and kept by the school to complete the disciplinary investigation.

It is the responsibility of the school to keep the LADO informed of the progress of the internal investigation and within agreed time scales.

Alternatives to suspension can be considered if available and deemed suitable. This may be achieved by:



- The individual undertaking duties which do not involve direct contact with children.
- Providing an assistant/colleague to be present when the worker has contact with the children

### **Confidentiality & Information Sharing**

Information sharing is vital to safeguarding and promoting the welfare of children and young people. The GDPR and the Human Rights Act 1998 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

The Head teacher will seek advice from the LADO, about how much information should be disclosed to the person against whom the allegation has been made. The LADO may liaise with the Police and/or Children's Social Care regarding this so that employers feel supported in how much information can be shared in the context of allegations that may require evidence to be gathered.

### **Record Keeping**

Record keeping is an integral part of the management of allegations. Complete and accurate records will need to contain information which provides comprehensive details of:

- Events leading to the allegation or concern about an adult's behaviour
- The circumstances and context of the allegation
- Professional opinions
- Decisions made and the reasons for them
- Action that is taken
- Final outcome

Employers, managers and officers who are involved in the process of managing allegations should follow the principles of record-keeping contained within GDPR, the Human Rights Act 1998 and the Freedom of Information Act 2002.

### **Review of Policy**

This policy will be reviewed every 3 years with LADO information updated annually.  
Date of review September 2027