



Managing Allegations in Schools Policy

September 2018

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Introduction

The Wardle Trust is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a member of staff, visitor or volunteer in our Trust is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation.

Our policy is in line with statutory guidance from the Department of Education and in line with Rochdale protocols. This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns. Allegations will be reported to the school headteacher immediately or to the CEO where the headteacher is the subject of concern. All allegations will be taken seriously and investigated immediately.

It is essential that any allegation of abuse made against a professional who works with children and young people or other member of staff or volunteer in any setting is dealt with fairly and consistently, in a way that provides effective protection for the child or children and at the same time supports the person who is the subject of the allegation.

Professionals who work with children as part of their employment or voluntary duties need to be aware that inappropriate behaviour in their private life may affect their suitability to work with children.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the Trust's Complaints Policy and Child Protection and Safeguarding Policies of each school. This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at the school has behaved in such a way that may have harmed a child or may have intended to harm a child.

Procedure

What is an Allegation?

- "A suspicion or concern that a trusted individual within an organisation or establishment has mistreated or abused a child or may be about to do so".

Reporting an allegation. All concerns of poor practice or possible child abuse by staff should be reported immediately to the headteacher. Complaints about the headteacher should be reported to the CEO 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.

The LADO will be contacted by the Headteacher/Child Protection Officer/CEO and a discussion will take place to decide whether: no further actions are needed; a strategy discussion should take place there; 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. 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. In Rochdale the Local Authority Designated Officer is Louise Hurst and can be contacted on 08452265500 or e mail lado@rochdale.gov.uk or louise.hurst@rochdale.gov.uk.

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.

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.

Record Keeping

Record keeping is an integral part of the management of allegations. In the Rochdale protocols there is an expectation that 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.

Responding to an Allegation

When allegations arise against a person working with children (including volunteers) the employer should follow the procedures outlined in 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; or
- 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, contact LADO lado@rochdale.gov.uk or phone 08452265500.

All schools have a SENIOR MANAGER or SENIOR NOMINATED OFFICER to whom all allegations or concerns are reported.

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

It is helpful prior to contacting 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, Police or the Senior Nominated Officer within the school. There are three possible outcomes to an initial consideration:

- Allegation does not meet the threshold and a referral to LADO is not required

- The threshold is met, and a strategy meeting is to be convened. LADO to inform police and Children's Social Care.
- Allegation is borderline. The matter should be investigated by the Senior Nominated Officer and appropriate action is taken under Trust disciplinary procedures. LADO will Liaise with headteacher/senior officer on the outcome of their investigation and any disciplinary action taken.

To assist in making this decision, employers should use the initial consideration/enquiry form, this can be forwarded to LADO in order to obtain a response and advice as to whether the action taken by the organisation is appropriate. The detail of the alleged perpetrator is not required at this stage just the detail of the allegation. This form can be downloaded from www.rbscb.org.

If it is clear that an allegation meets the threshold for referral a referral should be made to LADO by the employer immediately, the referral can be downloaded from www.rbscb.org.

If another agency such as Children's Social Care identifies a person who works with children that poses risk of harm, they should alert LADO via e mail (lado@rochdale.gov.uk) 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.

Allegations Management Strategy Meetings

An Allegations management strategy meeting will aim to meet within 5 days of receipt of a referral. Only key agencies should be invited to Allegations management meetings. These may include:

- Police
- HR
- The headteacher/CEO or the school's senior nominated officer
- Manager from Children's Social Care

At the end of the meeting to outcome whether they feel that the allegation is:

- **Substantiated** – There is sufficient identifiable evidence to prove the allegation. Relevant Conduct has occurred.
- **Unsubstantiated** – This is not the same as a false allegation, it simply means that there is insufficient identifiable evidence to prove the allegation. The term does not imply guilt or innocence.
- **Unfounded** – There is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- **Malicious/False** – There is "clear" evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false.

In some cases, an outcome is reached following the first allegations management strategy meeting. In other cases, further investigation will be required from, Police, Children's Social Care, or the Employer in order to Outcome the meeting and therefore the LADO will make recommendations as to what further action is required. The meeting will then be re-convened.

Minutes will be taken at the meeting and will be distributed within 10 days of the meeting taking place.

Disciplinary Investigation

The Trust may suspend an alleged perpetrator – this is a neutral act and should not be seen as a 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, or
- 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 Trust to complete the Disciplinary Investigation, - consent must be sought from interviewees during the allegation.

It is the responsibility of the Trust or Trustees 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.