

## **Managing Allegations of Abuse against Staff Policy**

THIS POLICY APPLIES TO THE HOPE TRUST BOARD, ALL TRUST SCHOOLS AND THE HOPE TEACHER  
TRAINING PARTNERSHIP

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**Signed by:**

\_\_\_\_\_ **Chief Executive Officer**      **Date:** \_\_\_\_\_

\_\_\_\_\_ **Chair of Resources  
Committee**                      **Date:** \_\_\_\_\_

## 1. Introduction

Each school within the Trust takes its responsibility of care for its pupils seriously and fully endorses the principles and practice of Every Child Matters. We recognise that any possibility that a member of staff may have hurt a child must be investigated thoroughly, but in a way that does not prejudice either the child or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards described below. Where the term 'staff' is used, this also covers volunteers, agency staff, workers and contractors. Where allegations are made against an agency member of staff, there is a duty to discuss protocol with the relevant agency, however the individual school should ensure that a referral to LADO takes place as per the procedure below. **Allegations of abuse against staff should not be dealt with under the school's general complaints procedure.**

The allegations of abuse against staff procedure is based on the following:

- *Keeping Children Safe in Education – statutory guidance for schools and colleges*  
*September 2016*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550511/Keeping\\_children\\_safe\\_in\\_education.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf)

The framework for managing cases of allegations of abuse 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 (March 2015)*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592101/Working\\_Together\\_to\\_Safeguard\\_Children\\_20170213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf)

## 2. Initial allegation made to the school

Should the allegation meet any of the following criteria then the School's Safeguarding Lead should report the details of the allegation to the Local Authority Designated Officer (LADO) within **one working day**. This should take place before any investigations commence. In less serious cases, the Police and Children's Social Care (CSC) may not need to be involved but the LADO will provide an objective view on this.

The criteria is that a member of staff or volunteer at the school 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/she may pose a risk of harm to children**

Any allegation of abuse of a child by a member of staff must be reported to the designated School's Safeguarding Lead, who should make a referral using the relevant referral form/contact number as detailed below.

**City of York LADO (Local Area Designated Officer) – complete referral form (see Appendix A) – Tel no. 01904 551783**

**North Yorkshire County Council Duty LADO (Local Area Designated Officer) – Tel no. 01609 532477.**

If the referral is outside of normal working hours, please contact the Emergency Duty Team (EDT) on Tel: 01609 780780 or email: [edt@northyorks.gov.uk](mailto:edt@northyorks.gov.uk)

**If the child is in immediate danger, please call 999.**

If an allegation is made against the School's Safeguarding Lead then this should be brought to the attention of the Principal/Head teacher/Chief Executive Officer immediately.

Should the initial allegation first be made to any other member of staff, other than the designated School's Safeguarding Lead, then that member of staff must either request the person raising the allegation to report it to the School's Safeguarding Lead or if that is not possible, they themselves must pass details of the allegation immediately to the School's Safeguarding Lead.

Where staff receive an allegation against someone from another organisation or where the School's Safeguarding Lead or Deputy Safeguarding Lead is not available, the matter must be reported directly to the LADO immediately.

If the concern is not connected to the person's employment or work activity in school, these procedures may also apply:

- Where concerns arise about the person's behaviour towards his/her own children or any other child, the Police and/or Children's Social Care (CSC) should consider if they need to inform the person's employer and/or the LADO in order to assess whether there may be implications for children with whom the person has contact with at work
- If an allegation relating to a child is made about a person who also undertakes paid or unpaid care of vulnerable adults, please also refer this to the LADO above who will signpost accordingly.

### **3. Historical /complex abuse**

When allegations of historical and/or complex abuse cases are made and where the case involves an allegation against a person or persons who work with children, this procedure should be followed.

### **4. Summary of the process**

It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations must be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegations.

There may be up to three strands in the consideration of an allegation:

- A Police investigation into a possible criminal offence
- Enquiries and assessment by CSC about whether a child is in need of protection and/or in need of services, and
- Consideration by an employer / regulatory body, of action in respect of the individual and their ongoing employment/professional status.

There is a need to ensure confidentiality throughout this process, with relevant information only being shared on a 'need to know' basis. Any information that is stored electronically/manually should be compliant with GDPR regulations.

## 5. Initial consideration and LADO consultation

If there is an immediate risk, appropriate actions may need to be taken e.g. urgent involvement of Police, removal of member of staff, securing evidence or urgent medical attention.

The LADO should be consulted on all allegations that appear to meet the criteria, **within one working day**. This should take place before any investigations commence. In less serious cases, the Police and CSC may not need to be involved but the LADO will provide an objective view on this.

The School's Safeguarding Lead will discuss the matter with the LADO at City of York Council/North Yorkshire County Council and provide any further details of the allegation and the circumstances in which it was made.

The School's Safeguarding Lead will also notify the Trust's HR department immediately to discuss what action needs to be taken, such as whether suspension is appropriate at this stage. Decisions regarding suspension should not be made until HR advice has been sought; suspension should not be the default position and should only be sanctioned where there is no reasonable alternative.

The School's Safeguarding Lead, in conjunction with the Principal/Head teacher will decide who will be appointed as the School Representative to represent the school in meetings/correspondence relating to the allegations. This would normally be a member of the School's Senior Leadership Team (SLT). The person should have received adequate training and guidance to be able to deal with such situations and should seek guidance from the Trusts HR department.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to CSC and ask for a strategy meeting to be convened straight away in accordance with Working Together to Safeguard Children. In those circumstances the strategy meeting should include the LADO, the School Representative and a representative from the Trust's HR department as a minimum.

If there is no cause to suspect that “significant harm” is an issue, but a criminal offence might have been committed, the LADO should immediately inform the Police and convene a similar meeting to decide whether a Police investigation is needed. That meeting will also involve the School Representative, Trust’s HR representative and any other agencies involved with the child, such as CSC and Health Professionals.

The following definitions should be used when determining the outcome of allegation investigations:

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that 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;
- e. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

## 6. Referral outcomes

### No further action

Where the LADO agrees that no further action is to be taken regarding the individual facing the allegation, the decision and justification should be recorded by both the School’s Safeguarding Lead/School Representative and the LADO. The School’s Safeguarding Lead/School Representative with the LADO should:

- Agree what information should be put in writing by the School Representative to the individual concerned
- Identify any action in respect of those who made the initial allegations and;
- Consider what information should be shared with the child and their parents/carers and by whom.

Where the allegations do not require a formal process, appropriate action should be initiated **within three working days.**

### **Disciplinary / Internal Investigation**

Where an investigation by the Police or CSC is unnecessary, or has been completed, the School Representative will need to determine if any further disciplinary / internal investigation is needed. The LADO should discuss with the School Representative who will undertake this and in straightforward cases this would normally be the School Representative in order to limit the number of people with access to sensitive, confidential information. However, in some circumstances appropriate resources may not be available, or the nature and complexity of the allegations may require the School/Trust to commission an independent investigation to ensure objectivity. This will ordinarily be someone within another Trust School, unless this is deemed inappropriate.

### **Strategy Meeting**

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately ask CSC for a strategy meeting to be convened.

### **Evaluation Meeting**

Following the strategy meeting or 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 LADO should nevertheless conduct a similar discussion with the Police, the employer, and any other relevant agencies to evaluate the allegation and decide how it should be dealt with.

## **7. Action following initial consideration**

Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the School's Safeguarding Lead, in conjunction with advice from the Trust's HR department, and the delegated Safeguarding Lead from the Local Governing Committee/Board of Trustees, to decide the most appropriate course of action.

Where further investigation/fact finding is required to inform consideration of disciplinary action the School's Safeguarding Lead and the delegated Safeguarding Lead from the Local

Governing Committee/Board of Trustees should discuss who will undertake that with the Trust's HR department.

If an internal disciplinary investigation is necessary, the Trust's Disciplinary Policy should be followed.

In any case in which CSC has undertaken enquiries to determine whether the child or children are in need of protection, the School's Designated Safeguarding Lead and delegated Safeguarding Lead from the Local Governing Committee/Board of Trustees should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The Trust's HR department should be consulted throughout this process.

All agencies should continue to review the case and inform LADO of any significant developments. The LADO should continue to be available to the school to provide advice and/or support when required or requested.

#### **8. Cases subject to Police/children's social care investigation**

If the Police and/or Crown Prosecution Service decide not to charge the individual 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 information they have which may be relevant to a disciplinary case to the Head teacher/Principal within three working days of the decision. In those circumstances, the Head teacher/Principal and the LADO should proceed as described above.

In any case in which CSC has undertaken enquiries to determine whether the 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 also be passed to the Head teacher/Principal who should have requested this information.

The School Representative should agree with the LADO to proceed with 'No further action' or 'Disciplinary/Internal investigation' as above. The information provided by the Police and/or CSC should inform that decision.

## **9. Supporting those involved**

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent during the allegations process. Support for the individual is key to fulfilling this duty and individuals should be given the details of the counselling service for them to contact should they wish to do so. Individuals should be informed of concerns or allegations as soon as possible **after consulting the LADO** and given an explanation of the likely course of action where possible, unless there is an objection by the CSC or the Police.

The person who is the subject of the allegation should be kept informed of the progress of the case and consideration should be given as to what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

The School's Safeguarding Lead will need to consider advising parents of an incident involving their child. This might be straight away, for example, if the child has been injured whilst in the school's care and requires medical treatment, or this may need to wait until initial consideration has taken place with the agencies involved, to determine what can be disclosed and by whom.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, CSC or the Police as appropriate, should consider what support the child or children involved may need.

## **10. Action on conclusion of a case**

Where investigations are concluded, the LADO will consider convening a review discussion/meeting to share relevant information, categorise the allegation and agree any further action to be taken.

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO and/or HR may should advise whether there is a statutory duty to make a referral

to the Disclosure and Barring Service (DBS). The employer should consider if a referral to any professional regulatory body is also necessary.

### **11. Action in respect of unfounded or malicious allegations**

For those cases where it becomes clear that the allegation is unfounded or malicious then it is expected that they should be resolved as soon as is reasonably possible.

If an allegation is determined to be unfounded or malicious, the LADO should discuss the matter with CSC to determine whether the child concerned is in need of services, or may have been abused by someone else.

### **12. Resignations and 'settlement agreements'**

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations concerning the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given the full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if it cannot be done or the accused does not cooperate. 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 it is important to reach and record a conclusion wherever possible.

So-called 'settlement agreements', by which a person wishes or agrees to resign if the School/Trust agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases and a School/Trust can refuse to accept a resignation in such cases in order to complete the investigation into the allegations. Such an agreement will not prevent a thorough Police investigation where that is appropriate; nor can it override the statutory duty to make a referral to the Disclosure and Barring Service or professional body where circumstances require that.

### **13. Learning lessons**

At the conclusion of a case, the School/Trust should consider whether there are any improvements to be made or any lessons to be learned. This should include, where appropriate, consideration of the relevant procedures or practice to help prevent similar events in the future. This may include issues arising from the decision to suspend, the duration of suspension and whether the suspension was justified, as well as whether the allegations were adequate and whether there are any lessons to be learnt from the process and procedure followed.

### **14. Record keeping**

Details of allegations that are found to have been malicious should be removed from employee/school records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential employee file of the accused, 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, where appropriate. It will provide clarification in cases where future DBS disclosures reveal information from the Police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner's Office has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention. <https://ico.org.uk/for-organisations/>

## **15. References**

Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

**APPENDIX A - RESTRICTED**  
**CITY OF YORK COUNCIL SAFEGUARDING UNIT**  
**LADO REFERRAL FORM**

To be completed electronically and emailed to [lado@york.gcsx.gov.uk](mailto:lado@york.gcsx.gov.uk)

Please note: a separate form must be completed for each incident.  
 If the incident concerns more than one child each child must be named on the same form.  
 If the allegation is made against more than one person then each person should be named.

**Information about the person against whom the allegation has been made**

Family Name:		Given Name:		Date of Birth:	
Job Title / Role:		Sex:	Male	<input type="checkbox"/>	Female
				<input type="checkbox"/>	
Ethnicity:					

Home address of person:	
Are there any children resident at the person's home address. If yes give name(s) and date(s) of birth:	
Does the person have any other contact (through work/volunteering) with vulnerable individuals (child/adult), please name and give location:	

Name of person's employer/Business Name and Address including postcode (include school name if applicable):	
Name of Senior Manager / Person dealing with the allegation:	
E-Mail address:	
Telephone Number:	

Have any allegations or concerns been made against this person previously. If so, please give details:	
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### Information about any child(ren) identified

Family Name:		Given Name:		Date of Birth:	
Home Address (including postcode):			Sex:	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Name of Parent/Carer:			Tel No:		
Any special circs: e.g. CP, LAC, disability					

### Information about the allegation or concern

Date, time and location of incident:	
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### Description of allegation or concern (please provide as much information as possible including details of any injuries/harm and any witnesses to the incident and any action taken)

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### Details of person completing this form

Name:		Date:	
Job Title:		Direct telephone number:	