



LONG FIELD ACADEMY

# Managing Allegations Against Staff procedures

<b>Formulation Date:</b>	<b>April 2014</b>
<b>Senior Team Responsibility</b>	<b>Principal</b>
<b>Governors' Reviewing Committee</b>	<b>FRHP</b>
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<b>Associated Documentation:</b>	<b>Child Protection Policy Disciplinary &amp; Dismissals</b>

## 1. INTRODUCTION

1.1 It is important to maintain an open culture where, employees, volunteers, children or parents or carers feel able to express concern about child protection issues and issues of dealing with children and vulnerable adults.

1.2 Any person working on behalf of the Academy who suspects that a colleague may be abusing a child or young person must act on their suspicions. Action should also be taken if it is felt that colleagues are not following the codes of conduct. This action will serve not only to protect children but also colleagues from false accusations:

1.3 All allegations should be reported straight away to a Designated Safeguarding Person(s).

***Designated Safeguarding Persons for Long Field Academy are:***

Lisa Newby, Mari Paskin, Jane Wawszczak, and Sadie Batstone

In the event the allegation is about the Principal, allegations should be reported to the Chair of Governors.

1.4 Employees are often the first to realise that there may be something seriously wrong within their own working environment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the Academy and that there is a possibility that their concerns are unfounded. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.

1.5 The Academy acknowledges that this is an extremely sensitive issue and assures all employees and persons working on its behalf that it will fully support and protect anyone, who in good faith reports a concern or an allegation that a colleague is, or may be, abusing a child.

## 2. USE OF THE PROCEDURE

2.1 These procedures apply to situations when:

- There are suspicions or allegations of abuse by a person who in the Academy works with children in either a paid or unpaid capacity – as a permanent, temporary or agency staff member, contract worker, consultant, or volunteer;
- It is discovered that an individual known to have been involved previously in child abuse, is or has been working with children;

- Allegations that someone at the academy has behaved in a way that has or may have harmed a child;
- There is an allegation that someone at the academy has committed a criminal offence against or related to a child;
- It is alleged someone at the academy has behaved towards a child in a way which indicates they are unsuitable to work with children.

If the allegation meets any of the above criteria, the Designated Safeguarding Person(s) / Chair of Governors should report it to the LADO on the same day.

- 2.2 If an allegation relating to a child is made about a person who undertakes paid or unpaid work with vulnerable young adults, consideration must be given to the possible need to alert those who manage them in that role.
- 2.3 The Principal, via consultation with the Designated Safeguarding Person(s) and the Chair of Governors, will make a decision whether or not the member of staff should continue to work with children during the investigation. The Academy is mindful of the need to safeguard and protect children's welfare whilst also protecting the adult's right to protection against false allegation.
- 2.4 Allegations of previous abuse may be made some time after the event (e.g. by an adult who was abused as a child by a member of staff who is still currently working with children). Where such an allegation is made, the procedures as detailed above should be used and the matter reported to the police by the Designated Safeguarding Person(s). This is because other children may be at risk from this person. Anyone who has a previous criminal conviction for offences related to child abuse is automatically excluded from working with children.
- 2.5 Suspension will be considered where:
- There is cause to suspect a child is at risk of 'significant harm'
  - The allegations warrant investigation by the Police, or is so serious that grounds for dismissal are being considered

Suspension will not be automatic; the Academy will consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The power to suspend is vested in the Principal and the Governing Body.

### 3. TYPES OF INVESTIGATION

- 3.1 Where there is a complaint of abuse against a member of staff, there may be three types of investigation:
- criminal
  - child protection
  - disciplinary (to be treated as gross misconduct)
- 3.2 Civil proceedings could also be instigated by the person/family of the person who alleged the abuse. The results of any Police and Children's Duty Service (Social Care) investigation may influence a disciplinary investigation by the Academy, but not necessarily.

#### **4. SUSPECTED ABUSE**

- 4.1 Where it is suspected that abuse has taken place:
- a. Any suspicion that a member of staff has abused a child should be reported to the Designated Safeguarding Person(s) or the line manager of the member of staff immediately. The manager informed should inform the Designated Safeguarding Person(s). Local Area Designated Officers (LADO) are: Mark Goddard or Karen Browne, telephone 0116 305 7597
  - b. The Designated Safeguarding Person(s) will take such steps as they feel appropriate to ensure the safety of the child in question and any other child who may be at risk.
  - c. The Designated Safeguarding Person(s) will report the incident to the Principal and the HR/Business Director where consideration will be given to the next steps. These steps may include suspension on full pay, whilst the matter is investigated further.
  - d. The Designated Safeguarding Person(s) will seek advice from the Leicestershire County Council Local Area Designated Officer (LADO) who may involve the police.
  - e. The Designated Safeguarding Person(s) will initiate an investigation in line with Long Field Academy's Disciplinary and Dismissal Procedure following guidance from the HR/Business Director who will oversee the internal investigation.
  - f. If the Designated Safeguarding Person(s) is the subject of the suspicion/allegation, the report must be made directly to the Principal who will assume their role in the above procedure.

#### **5. INITIAL CONSIDERATION**

- 5.1 The LADO will discuss the matter with the Designated Safeguarding Person(s) and obtain further details of the allegation and the circumstances in which it was made. The Principal should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

- 5.2 If the allegation is patently not 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 Children's Services and ask for a strategy discussion to be convened immediately.
- 5.3 If there is no cause to suspect significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the Police and convene a similar discussion to decide whether a Police investigation is needed. That discussion should also involve the Academy and any other agencies involved with the child.
- 5.4 Even in the case where an allegation appears to be less serious it is important that the LADO is informed.
- 5.5 An allegation may be considered so serious that there will be an immediate referral to Children's Services and/or the Police.

## **6. ACTION FOLLOWING INITIAL CONSIDERATION**

- 6.1 Where the initial consideration decides that the allegation does not involve a possible criminal offence the Academy will deal with the matter. If the nature of the allegation does not require formal disciplinary action, the Principal will institute appropriate action ideally within 3 working days.
- 6.2 The Principal, in discussion with the LADO and Chair of Governors, will give consideration to issuing a press statement.
- 6.3 If a disciplinary hearing is required and can be held without further investigation, the hearing will ideally be held within 15 working days.
- 6.4 Where further investigation is required to inform consideration of disciplinary action, the Principal will discuss with the LADO who will undertake the necessary action. In some circumstances it may be appropriate for the disciplinary investigation to be concluded by a person who is independent of the Academy.
- 6.5 The Investigating Officer should aim to provide a report to the Principal ideally within 10 working days. On receipt of the report of the disciplinary investigation, the Principal and Chair of Governors should aim to consult the LADO within 2 working days to decide whether a disciplinary hearing is needed. If such a hearing is required, it should ideally be held within 15 working days.

- 6.6 Where Children's Services has undertaken enquiries to determine whether the child or children are in need of protection, the Principal and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LADO should continue to liaise with the Academy to monitor progress of the case and provide advice/support when required /requested.
- 6.7 In the case of an allegation being made against a Supply Teacher, or a Contractor, or a volunteer from a voluntary organisation, the Academy may not be involved in disciplinary procedures, but will be involved and co-operate in an investigation. This investigation will reach a decision whether to continue to use the person's services, or to provide the person for work with children in the future, and whether to report to the Department for Education.
- 6.8 Irrespective of the findings of the Leicestershire County Council LADO or of police inquiries, the Academy will assess all individual cases under its own disciplinary procedures to decide whether a member of staff can be reinstated and how this can be sensitively handled.
- 6.9 The Academy will reach a decision based on the available information and decide on a balance of probability basis whether an allegation is true. The welfare of children will always remain paramount.
- 6.10 If, following consideration by the Designated Safeguarding Person(s) and appropriate external Child Protection agencies, the allegation is clearly about poor practice, the Principal may wish to invoke an investigation in accordance with Long Field Academy's Disciplinary and Dismissals Procedure.

## **7. NOTIFICATION TO SOCIAL SERVICES**

- 7.1 A copy of the Incident Report form should be submitted to the LADO without delay. This is the responsibility of the Designated Safeguarding Person(s).
- 7.2 Any further inquiries from the LADO or any other interested third party should be passed immediately to the disciplinary investigation team to deal with. A written record should be kept of any such conversations.

## **8. SUPPORTING THOSE INVOLVED**

- 8.1 Parents or carers of a child or children involved should be advised of any allegation/s as soon as possible. Parents/carers should be kept informed regarding progress on the case and should be informed of the outcome where there is a criminal prosecution or a disciplinary hearing.

8.2 The Academy should also inform the person who is the subject of the allegation. Subject to the specific procedures the subject of the allegations should be:

- Advised at the outset to contact her/his Union representation if a member;
- Treated fairly, consistently and honestly and helped to understand the concerns expressed, processes involved and possible outcomes;
- Kept informed of the progress of the case and of the investigation;
- Clearly informed of the outcome of any investigation and the implications for disciplinary or related processes;
- Offered a 'support person' from within the Academy who is impartial to the investigation.

If the Police or Children's Services are involved, the Principal will not do this until advised to do so by these agencies.

8.3 Any child/children making an allegation against a member of staff, will be offered a 'support person' from within the Academy who is impartial to the formal proceedings. Where the allegations are unfounded, the Academy will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted. In this case, the LADO should refer the matter to Children's Services to determine whether or not the child concerned is in need of support from external services, or may have been abused by others. The Academy will continue to provide support to the child/children in these circumstances.

## **9. RESIGNATIONS AND COMPROMISE AGREEMENTS**

9.1 Allegations must be investigated even in situations where a member of staff tenders their resignation. A Compromise Agreement will not be used in the case of allegations.

## **10. CASE SUBJECT TO POLICE INVESTIGATION**

10.1 If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.

10.2 A target date for the case review will be set. The review will include the progress of the investigation consultation with the Crown Prosecution Service (CPS). If the Police and/or CPS decide not to charge the individual with an offence, 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 employer within 3 working days of the decision. In those cases the employer and LADO should decide how to proceed.

- 10.3 If the nature of the allegation does not require formal disciplinary action, the Principal will ideally institute appropriate action within 3 working days.
- 10.4 If a disciplinary hearing is required and can be held without further investigation, the hearing should ideally be held within 15 working days.
- 10.5 Any case in which Children's Services have undertaken enquiries which are relevant to a disciplinary case should also be passed to the Academy.
- 10.6 If the person is convicted of an offence the Police must inform the employer straight away so that appropriate action can be taken.

## **11. REFERRAL TO THE DEPARTMENT FOR EDUCATION**

- 11.1 If upon conclusion of the case the Academy cease to use the person's services or the person ceases to provide his/her services, the Academy should consult the LADO regarding whether a referral to the Department for Education is required. If so, it should be made within one month.
- 11.2 Any employee, child or young person reporting concerns under this Policy is assured that their concerns will be taken seriously and treated sensitively. Every effort will be made to respect the anonymity of the person making the report, although it is not possible to guarantee this, particularly if to do so would adversely affect the welfare of the child or young person, or one or more legal authorities become involved.
- 11.3 Long Field Academy will not tolerate harassment of any employee, child or young person who raises concerns of child abuse. Such harassment will be dealt with under the Academy Disciplinary and Dismissal Procedures, and the Academy will robustly support any ensuing investigation by any recognised authority.

## **12. DEALING WITH FALSE ALLEGATIONS**

- 12.1 False allegations do occur. However, if a child indicates that they are being abused, or information is obtained which gives concern that a child is being abused; this should never be ignored. Any allegation of abuse must be reported to the Principal, Designated Safeguarding Person(s), or line manager.
- 12.2 Where there is clear evidence that an allegation was deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the student who made it.

- 12.3 Advice should be sought from the Police regarding whether any action might be appropriate against the person responsible if he/she was not a student.
- 12.4 Malicious complaints about an employee(s) and/or serious and/or persistent abuse of these child protection procedures will not be tolerated and will be dealt with through the disciplinary process.
- 12.5 Allegations found to be malicious should be removed from Personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.

### **13. MISUSE OF THE PROCEDURE**

- 13.1 Employees may not discuss any allegation of child abuse, whether substantiated or not, with:
- Anyone within Long Field Academy, other than the manager who they consulted, the Principal, the HR/Business Director, and the Designated Safeguarding Person(s);
  - Any member of any external agency, other than as part of the formal reporting procedure as set out in this policy or as part of the investigative process; and
  - Any other interested party, including parents, carers, and relatives of the child or young person without the express permission of the person with overall responsibility for the investigation.
- 13.2 This does not exclude the employee from the need or right to consult with a solicitor, trade union representative, or other bona fide legal adviser.
- 13.3 Any enquiries from the media concerning an allegation of child abuse must be referred to the lead investigating agency's press office, or the Academy PR Officer. Any direct question must be answered with the phrase "No comment."

### **14. RECORD KEEPING**

- 14.1 It is important that a clear and comprehensive summary of any allegations made be retained in the member of staff's confidential personnel file. This summary should include:
- Details of how the allegation was followed up and resolved
  - A note of any action taken
  - Decisions reached.

- 14.2 A copy should be provided to the member of staff concerned. The summary should be retained at least until the member of staff has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.
- 14.3 If an allegation is made to the Police it should be reported to the Academy's Designated Safeguarding Person(s) who in turn should inform the Local Authority Designated Officer.
- 14.4 If the allegation is made to Children's Services the person who receives it should report it to the LADO and in turn, to the Academy's Designated Safeguarding Person(s).

## **15. CONFIDENTIALITY**

- 15.1 Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only. This is required in order to:
- Protect children;
  - Facilitate enquiries;
  - Avoid victimisation;
  - Safeguard the rights of the person about whom the allegation has been made and others who might be affected;
  - Manage disciplinary/complaints aspects.
- 15.2 It is expected that those involved on a need to know basis would include the following:
- Members of the team overseeing any investigation;
  - The parents of the child alleged to have been abused;
  - The person making the allegation;
  - Leicestershire County Council Local Area Designated Officer (LADO);
  - The Police;
  - The alleged abuser (and parents if the alleged abuser is under 18 years of age).
- 15.3 Any information will be stored in a secure place with access limited to the investigation team and in line with the Data Protection principles.
- 15.4 Every effort must be made to guard confidentiality and to protect against any undue publicity.