

Halfway Nursery Infant School



Allegations of Abuse Policy

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Procedure for the Management of Allegations of Abuse - Schools

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SECTION 1 EXECUTIVE SUMMARY

This summary introduces procedures for dealing with allegations against teachers and other staff, including volunteers and should be used for schools responsible for providing services to children and young people.

The aim of the procedure is to:

- Ensure allegations are dealt with fairly and in a timely manner.
- Ensure that where staff are not suitable to work with children that they are prevented from doing so by notification to relevant bodies
- Ensure adherence to relevant legislation
- Involve all the relevant agencies at the correct time
- Achieve consistent practice throughout all Directorates including schools

This new procedure replaces previous model procedures regarding the management of child protection allegations made against employees produced by Sheffield Children & Young People's Service.

Other procedures relating to child protection produced by Children & Young People's Service remain in place e.g. Model Restraint Policy.

All local authorities have appointed a designated officer (Local Authority Designated Officer – LADO) to oversee the investigation of all allegations and to maintain detailed records of their conduct and the outcomes. Local Authority Child Protection Coordinators fulfil the LADO role on a day today basis. They are managed by the LADO, who oversees all their work.

The Sheffield Safeguarding Children Board (SSCB) has responsibility for ensuring there are effective inter-agency procedures in place for dealing with allegations against teachers and staff who work with children and for monitoring and evaluating the effectiveness of these procedures.

Advice and guidance in respect of individual cases can be accessed by contacting the Safeguarding Children Advisory Service (0114 2053535) and by referring to 'Working Together 2018'. Local Authority Child Protection Co-ordinators manage the Local Authorities response on behalf of the LADO. (www.safeguardingsheffieldchildren.org.uk)

The AMA (Allegations Management Advisers – part of the AMA network established by the DCSF) have produced 2 documents which schools and staff may wish to refer to - **Unsuitable Adults** and **Guidance for Safer Working Practice for Adults who Work with Children and Young People**

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00311/>

2. PROCEDURE

2.1 Introduction

- 2.1 This procedure can be used by all schools .
- 2.1.2 This procedure applies to all employees that have a contract of employment with either Sheffield City Council or the governing body of the school (delete as appropriate).
- 2.1.3 Parts of the procedure will be equally applicable to agency workers², contractors and volunteers – allegations against workers/contractors/volunteers in those categories require the same child protection/police investigatory response; individuals may be required to stay away from the workbase pending investigation; in those circumstances both the contractor or agency, and the organisation in which the accused person worked will need to be involved in dealing with the allegation, in reaching a decision about whether to continue to use the person's services in the future.
- 2.1.4 A number of other school policies and procedures will have a bearing on the implementation of this procedure e.g. Disciplinary Procedure, Code of Conduct, 'Whistle Blowing', Dignity at Work and the appropriate complaints procedure. It is important that a sound decision is made about which ones apply in an individual case.
- 2.1.5 **Note:** Throughout this procedure there is reference to the roles and responsibilities of the Headteacher. Please note that, if the Headteacher is the accused person, then the Chair of Governors (or the designated governor for child protection) will need to carry out these roles in partnership with a member of the Safeguarding Children Advisory Service and the school's Human Resources provider .
- 2.1.6 The procedure is based on the framework for dealing with allegations made against a person who works with children, Safeguarding Children and Safer Recruitment in Education 2018. www.everychildmatters.gov.uk/resources-and-practice/IG00060. It caters for cases of allegations that might indicate that a person is unsuitable to

continue to work with children in their present position, or in any capacity. It should be applied when there is an allegation that a person who works with children 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 s/he is unsuitable to work with children

in connection with his/her employment or voluntary activity, or where:

- Concerns arise about the person's behaviour with regard to his/her own children.
- Concerns arise about the employee's response to the behaviour or actions in the private or community life of a partner, member of the family or other household member. Where such concerns arise the employee's response may raise questions about their suitability to work with children.

2.1.7 There may be up to 3 strands in considering a concern or an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by Children and Young Persons' Services about whether a child or young person is in need of protection or is in need of services.
- Consideration by the school of disciplinary action in respect of the individual.

2.1.8 Headteachers should be aware that any contact they have with the accused person could jeopardise a police investigation. Headteachers must therefore take advice from the LADO and their Human Resources provider. Consideration of these matters will also be made during strategy discussions / meeting. The decision about a strategy meeting will be made by the Safeguarding Children Advisory Service.

2.1.9 Compliance with these procedures should help ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

SECTION 2.2 ROLES AND RESPONSIBILITIES

2.2.1 Sheffield Safeguarding Children Board

Sheffield Safeguarding Children Board (SSCB) has responsibility for ensuring there are effective inter-agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.

In order to do this, each SSCB member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations.
- Resolving any inter-agency issues.
- Liaising with the SSCB on the subject.

2.2.2 The Local Authority

The Local Authority has appointed a designated officer (LADO) who will:

- Be involved in the management and oversight of individual cases.
- Provide advice and guidance to employers, including schools and voluntary organisations.
- Liaise with the police and other agencies.
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

2.2.3 SCHOOLS

Schools should:

Have procedures for dealing with allegations and all staff/contractors and volunteers should be made aware of these and understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. This procedure makes it clear that all allegations must be reported straight away, normally to the Headteacher, and should identify the person, often the Chair of Governors, to whom reports should be made in cases where the Headteacher is the subject of the allegation or concern.

If an allegation is made against a Governor, the Headteacher may deal with such a complaint, depending on the circumstances. Advice should be sought from the Local Authority Governor's Section, who would become involved in any discussion, along with the LADO and the Human Resource Provider.

SECTION 2.3

RECOGNISING AND RESPONDING TO AN ALLEGATION

2.3 Recognising and Responding to an Allegation

2.3.1 There are a number of sources from which a complaint or an allegation might arise including from:

- A child or an adult.
- A parent.
- A member of the public.
- A disciplinary investigation.

2.3.2 Schools should have in place their own policies, procedures and guidance relating to the conduct of their employees.

General advice and guidance in respect of allegations and safeguarding issues can be accessed by contacting the Safeguarding Children Advisory Service (0114 2053535) or on their website www.safeguardingsheffieldchildren.org.uk

2.4 Responding to a Complaint or an Allegation

2.4.1 The person to whom an allegation or concern is reported should not question the child or investigate the matter further and should:

- Treat the matter seriously.
- Avoid asking leading questions and keep an open mind.
- Communicate with the child (if the complainant) in a way that is appropriate to the child's age, understanding and preferred language or communication style.
- Make a written record of the information (where possible in the child's own words), including:
 - When the alleged incident took place (time and date).
 - Who was present.
 - What was said to have happened.
 - Sign and date the written record.
- Report the matter immediately to the **Headteacher**. (If the complaint is referred initially to the Child Protection Liaison Officer, it should be reported to the Headteacher or member of the senior leadership team immediately). If the complaint is about the Headteacher, the member of staff must ensure this information is passed onto the Chair of Governors.

2.4.2 Reporting of allegations can include those made by former pupils who are now adults. Furthermore, if a member of staff is subject to allegations by a child, either in the community or other professional capacity, such situations will also be subject to these procedures.

2.4.3 An area where there may be concerns about the reporting of allegations is where there are people working together in a school who are in a close relationship (e.g. partners, relatives). Headteachers are strongly advised to consider the implications of such people working together in the same area of the school. It is advisable wherever possible to ensure such staff work in different areas of the school.

SECTION 2.5 INITIAL ACTION BY THE HEADTEACHER

- 2.5.1 The **Headteacher should not investigate the matter by interviewing the accused person, the child or potential witnesses**, and should:
- Ensure all children are safe
 - Establish whether or not the accused person was in a position to have harmed the child
 - Obtain written details of the allegation, signed and dated by the person receiving the complaint, or allegation (not the child/person making the allegation).
 - Countersign and date the written details.
 - Record any other information about times dates and location of incident(s) and names of any potential witnesses.
 - Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- 2.5.2 If the allegation meets any of the criteria in paragraph 1.6 - the Headteacher should report it to the LADO on the same day. The procedures need to be applied with common sense and judgement. In rare cases allegations will be so serious as to require immediate intervention by children's social care and/or police. Others that meet the criteria in paragraph 1.6 may seem much less serious and on the face of it will not warrant consideration of a police investigation, or enquiries by children's social care. **However it is important to ensure that even allegations that appear less serious are seen to be followed up and taken seriously, and they are examined objectively by someone independent of the school concerned.** Consequently, the LADO should be informed of all allegations that come to the school's attention and appear to meet the criteria in paragraph 1.6 so that s/he can consult Police and Social Care colleagues as appropriate.
- 2.5.3 Referral should not be delayed in order to gather information. Overall compliance with the procedures will be monitored and evaluated by the SSCB. Instances of non-compliance will be identified and followed up.
- 2.5.4 If a concern or an allegation requiring immediate attention is received outside normal office hours the Headteacher should consult straight away with the children's social care emergency duty team or police and also ensure that the LADO is informed the next working day.
- 2.5.5 The Headteacher in discussion with the LADO will determine who will be informed at this stage. They will consider whether or not to alert anyone during this verification process, e.g. the accused person, other staff.
- 2.5.6 Failure to follow this guidance could jeopardise any subsequent criminal investigation.

SECTION 2.6 INITIAL CONSIDERATION BY THE HEADTEACHER AND THE LOCAL AUTHORITY DESIGNATED OFFICER

- 2.6.1 The Local Authority Child Protection Co-ordinator (on behalf of the LADO) and Headteacher should:
- Establish that the allegation is within the scope of these procedures.
 - Verify whether there is evidence or information that establishes that the allegation is false or unfounded.
 - Consider whether further details are needed.
- 2.6.2 The Headteacher and the LADO will discuss how the matter should be progressed, how the parents should be informed (if they are not already aware of the allegation) and what the process for investigation will be. If other agencies e.g. the police or social care need to be involved a strategy meeting will be convened. However, in some circumstances the school may need to advise parents of an incident involving their child straight away, for example if the child has been injured whilst at school or in a school related activity, and required medical treatment.
- 2.6.3 The Headteacher should inform the accused person about the allegation and provide the accused person with as much information as possible at the time as soon as possible after consulting the designated officer. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the Headteacher 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 or professional association s/he should be advised to contact that organisation at the outset.
- 2.6.4 Staff suspension should not be an automatic default option, suspension should only be used where there is no reasonable alternative
- 2.6.5 It is important to keep the Chair of Governors informed.
- Inform the Chair of Governors⁴ to discuss whether the accused person should be either suspended or required to remain away from work on full pay for whatever period is considered reasonable so as to ensure no-one's interests are compromised – up to a maximum of 72 hours, more conventionally 24 or 48 hours. If the employee refuses to stay away from work then the only option will be to suspend the employee. The Headteacher must ensure that the member of staff is notified of any such requirement

⁴ If the accused person is the Headteacher then the Chair of Governors or designated person responsible for Child Protection will need to contact the Director of Learning and Achievement or the Head of Organisational Development and Customer Services

- 2.6.6 Other staff affected by the employee's suspension or staying at home will be told what management action has been taken, but not about the allegations. Staff will be instructed not to talk about this action (including to parents, children, community etc) Staff should be informed that they may face disciplinary action themselves if they do not follow this instruction
- 2.6.7 The LADO will notify the Headteacher of reports made via the Police and Children's Social Care.

SECTION 2.7

STRATEGY DISCUSSION/INITIAL EVALUATION DISCUSSION

- 2.7.1 Strategy discussions/meetings are an important means by which key decisions are made and it is the responsibility of the LADO to initiate and co-ordinate these.
- 2.7.2 If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm⁵ the LADO will consider and where necessary make a referral to children's social care and ask them to initiate a strategy discussion straight away.
- 2.7.3 The police must be informed about any case in which a criminal offence involving a child may have been committed.
- 2.7.4 If the significant harm threshold is not reached, but a police investigation might be needed, the LADO will tell the police immediately and initiate an initial evaluation discussion with the police, Headteacher and other agencies involved with the child to evaluate the complaint or allegation and decide how it should be dealt with.
- 2.7.5 A strategy discussion or initial evaluation can be conducted by way of a series of telephone calls but it should take the form of a face-to-face meeting with a dedicated minute taker wherever practicable.
- 2.7.6 A LADO will normally chair the meeting and the participants should be sufficiently senior to contribute all relevant available information about the allegation, child and accused person and make decisions on behalf of their agencies. The personnel records of the accused person must be available at this meeting.
- 2.7.7 The meeting will be chaired and convened by the LADO and may also include:
- Headteacher of the school concerned. (If the allegation is about the Headteacher, the Chair of Governors will attend.)
 - Human Resources representative, as appropriate.
 - Relevant social worker and his/her manager.
 - Supervising social worker and his/her manager when an allegation is made against a foster carer.
 - Designated liaison officer from the police.
 - Senior representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints.
 - A medical practitioner with an appropriate area of specialist knowledge.

⁵ See Adoption and Children Act 2002 S.120 and Children Act 1989 S.31 (9)

- Where a child is placed by or resident in the area of another local authority, a representative of that authority.
- A representative of the legal department of the local authority.

2.7.8 In the case of an initial evaluation discussion children's social care need only take part if they are involved with the child or have a contribution to make.

2.7.9 The strategy discussion or initial evaluation, as appropriate, should also:

- Consider the three possible strands set out in Paragraph 1.7 above.
- Review any previous concerns or allegations about conduct of the accused person.
- Decide whether there should be a formal Child Protection investigation enquiry and/or police investigation and consider the implications.
- Consider whether any parallel disciplinary process should take place.
- Consider whether a complex abuse investigation is applicable.
- Scope and plan enquiries.
- Allocate tasks.
- Set time-scales.
- Decide what information can be shared, with whom and when. This includes the accused person and his/her representative, other members of staff and parents.
- How to manage speculation, leaks and gossip
- What if any information can reasonably be given to the wider community to reduce speculation
- 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 have been affected directly and indirectly.
- Consider what support should be provided to the person against whom the complaint or allegation has been made and others who might have been affected, such as other staff
- Ensure that investigations are sufficiently independent.
- Make arrangements to inform the child's parents, and consider how to provide them with support and information during enquiries.
- Make recommendations where appropriate regarding suspension, or alternatives to suspension, of the subject of the complaint or allegation. The Chair of Governors should also be consulted prior to actioning any recommendations regarding suspension.
- Identify a lead contact manager within each agency.
- Agree protocols for reviewing investigations and monitoring progress by the LADO, noting the target timescales.
- Agree dates for future strategy or evaluation discussions or meetings.

- Consider how the police and children's social care will obtain consent from the individuals concerned, and how they will be informed that the statements and evidence obtained will be shared with the Head teacher/Chair of Governors and/or regulatory body for disciplinary purposes. This should be done as their investigation proceeds rather than after it is concluded to enable relevant information to be shared without delay.
- Consider the wording of any response to media enquiries and how to manage press interest if and when it should arise

2.7.10 If the allegation is about physical contact, the strategy discussion or initial evaluation should take account of any entitlement by staff in certain professions to use reasonable force to control or restrain children in certain circumstances including dealing with disruptive behaviour e.g. Section 550A Education Act 1996 in respect of teachers and authorised school staff. Schools should have a policy on Restraint and Children and Young People's Directorate have a model policy.

2.7.11 The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. Some cases may require the school to consider suspending the person until the case is resolved. Suspension must not be automatic or actioned without careful thought, consideration should be given to whether alternatives to suspension might be appropriate, such as

- Mutual agreement to refrain from work
- Alternative duties/location
- Removal from contact with pupil(s)

2.7.12 Suspension criteria are:

- If a child or other children are at risk of significant harm
- If the allegations warrant police investigation
- If the allegation could be grounds for dismissal

The Headteacher and Governors have the sole power to suspend.

If the school is concerned about the welfare of other children in the community or the teacher's family these concerns should be reported to the LADO or police.

The Local Authority Child Protection Co-ordinator should discuss with other agencies whether the accused person needs to be suspended from contact with children to inform the schools consideration of suspension. An individual should only be suspended if there is no reasonable alternative. It should be noted that suspension is a neutral act pending further investigation not a disciplinary sanction.

2.7.13 Schools should consider alternative arrangements to suspension, e.g. redeployment so the individual does not have direct contact with the child

concerned, or providing an assistant to be present when the individual has contact with children. This will allow time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation, this will depend on the nature of the allegation.

- 2.7.14 Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.
- 2.7.15 In some cases further enquiries will be needed to enable a decision about how to proceed . If so the LADO should discuss with the headteacher, and chair of governors, chair of the management committee how and by whom the investigation will be undertaken. In straightforward cases the investigation should normally be undertaken by member of the senior member of the school/leadership team. However, in other circumstances lack of appropriate resources, or the nature of complexity of the allegation will require an independent investigator.
- 2.7.16 Consideration should be given to how others will be informed of the suspension, these include the pupil, parents of the child making the allegation, senior teachers and other staff. The Headteacher should consult with the LADO about what information can be shared at this point and may wish to prepare a short statement to ensure this information is shared consistently.

SECTION 2.8 REVIEWING PROGRESS

2.8.1 The LADO should regularly monitor the progress of cases either by:

- Reviewing strategy discussions.
- Or:
- Liaising directly with the police and/or children's social care, or the Headteacher, as appropriate

Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

2.8.2 A final strategy or evaluation discussion should be held at the end of enquiries to ensure that all tasks have been completed and where appropriate to agree an action plan for learning lessons in order to inform future practice.

SECTION 2.9 AFTER STRATEGY DISCUSSION/MEETING

2.9.1 After the strategy discussion/meeting, the Headteacher (with support from the Human Resources provider) should meet the accused person (if they have not already done so). The purpose of this meeting is to:

- Inform him/her of the decisions of the strategy meeting.
- Release any information as agreed at the strategy meeting.
- To suspend the employee if this course of action has been agreed. Suspension will be in accordance with the relevant disciplinary procedure. This meeting will not be delayed if the employee's chosen representative is unavailable, but every effort should be made to allow representation from the employee's trade union.
- If suspension is not agreed, then any other appropriate action with regard to the employee will be carried out.

2.9.2 If a decision to suspend an employee at this stage has not already been taken, a decision to suspend may also be taken during the course of the investigation if:

- Further, more serious allegations are made
- New evidence is obtained which shows the initial allegations are more serious than first believed

All decisions to suspend will be confirmed in writing and carried out in line with the relevant disciplinary procedure⁶.

⁶ Suspension of employee can take place at any of the following stages of the procedure:
i) at the outset when the headteacher/senior manager receives the allegations
ii) following the verification process by the headteacher
iii) following the strategy meeting

SECTION 2.10 SUPPORT

- 2.10.1 Employers have a duty of care to their employee, the headteacher should ensure effective support is provided to an employee or volunteer facing an allegation, and they are provided with a named contact if they are suspended.
- 2.10.2 The school should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider 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 the case and current work related issues. Social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 2.10.3 Employees and volunteers should be treated fairly, honestly and without discrimination. They should be provided with support throughout the process and should be helped to understand the concerns expressed and the processes being operated. Employees should be clearly informed of the progress of the case and the outcome of any investigation and implications for disciplinary or related processes. The investigation should be completed as quickly as possible. The police and other relevant agencies should always agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings.
- 2.10.4 The Headteacher will identify appropriate support to be offered to employees against whom allegations have been made. This support may be provided by an external agency or an identified Officer (such as an Occupational Health Nurse). The supporting Officer will not discuss any evidence with the employee or have any discussion with the wider staff group or any members of the investigation team. The support will be organised by the HR provider in consultation with the trade union representative where appropriate.

During any period of suspension, the accused person must not make contact with the school or other employees about the case as this could prejudice an investigation. However, if the accused person or their Trade Union representative obtains permission from the LADO, or in cases where the LADO has previously determined it should be purely a disciplinary investigation obtains permission from the Headteacher/Chair of Governors (as appropriate) requests for contact regarding the case may be considered.. They must not make contact with parents or children, present or previous, or the alleged victim. Where the accused person is resident on the school site and could come into contact with the alleged victim or other children, they may be required to live elsewhere or

iv) during the course of a child protection, police or disciplinary investigation

there may be strict terms applied regarding their continued residence on site. (Advice may need to be sought from the Admin and Legal Section regarding possible temporary tenancy arrangements) Other staff members employed by the City Council or Governing Body must not discuss with the accused person any matters involving any parents or children during any period of suspension.

If the accused person is a member of a union or professional association they should be advised to contact that body at the outset.

General/social contact with other employees must not be prevented but should be discussed and clarified/agreed with their Headteacher, this includes the use of electronic media such as social networking sites. Employees and managers should have regard to the Social Media policy and Employee Code of Conduct

- 2.10.5 Parents/main carers of a child involved should be given information about the concerns and advised on the processes to be followed and the outcomes reached (where there is not a criminal prosecution). This should be done in their first language and, if practical, the timing of these actions will be determined by the strategy discussion/meeting. The provision of information and advice must take place in a manner that does not impede the enquiry, disciplinary and investigative processes, and therefore it should be planned in discussion at the strategy discussion/meeting. Parents/carers should be kept informed about the progress of a case and told the outcome where there is not a criminal prosecution. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot be disclosed.
- 2.10.6 In addition, there should be ongoing communication to other staff in the school of what is happening. The wording of any communication will be agreed by the strategy meeting or in consultation with the LADO.
- 2.10.7 Support for the Headteacher managing the case should be offered by the Human Resources provider and/or the Occupational Health Service. Such support will be available for the Chair of Governors or designated Governor for child protection who may be managing an allegation made against the Headteacher.
- 2.10.8 In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school should decide how to best facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on individual circumstances a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. Consideration should also be given to how the person's contact with the child or children who made the allegation can best be managed.

SECTION 2.11 CONFIDENTIALITY

2.11.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered. In exceptional cases, where the police might seek media support e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies informed. All staff must be reminded of the need to maintain confidentiality.

The strategy meeting will consider how confidentiality will be maintained and what information will be shared.

The need for confidentiality should not prevent a person obtaining evidence to support their position in relation to an allegation. Individuals should be aware that there are some circumstances that may over-ride standard confidentiality arrangements. In all cases advice should be sought from the LADO/HR provider as to what can be disclosed. In all cases there is a requirement to consult with the LADO as to what contact is appropriate in relation to the gathering of evidence.

SECTION 2.12 RESIGNATION AND “COMPROMISE AGREEMENTS”

- 2.12.1 The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. A resignation will not prevent a thorough police investigation where appropriate, nor override the statutory duty to make a referral to the Independent Safeguarding Authority where circumstances require that.
- 2.12.2 A so called “compromise agreement” by which a person agrees to resign, the school agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations which are relevant to these procedures.
- 2.12.3 In any event, such an agreement will not prevent a thorough police investigation where appropriate. Nor can it override the statutory duty to make a referral to the DFE where circumstances require that.
- 2.12.4 Wherever possible the accused person should be given a full opportunity to answer the allegation and make representations about the allegation. 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 and investigation should continue to a conclusion even if that cannot be done or the person refuses to cooperate.

SECTION 2.13

DISCIPLINARY PROCESS OR ASSESSMENT REGARDING SUITABILITY TO WORK WITH CHILDREN AND YOUNG PEOPLE

2.13.1 It is in everyone's interest 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 allegation. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

2.13.2 For cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week.

If the matter being investigated is also the subject of a police investigation, the employment investigations will be put on hold until the police have concluded their investigations.

2.13.3 The LADO and the Headteacher⁷ should discuss and agree what action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy discussion or initial evaluation that investigations by the police or enquiries by children's social care are not necessary.
- The Headteacher⁷ and LADO is informed by the police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued.

2.13.4 The discussion should consider any potential misconduct or gross misconduct on the part of the accused person and consider as part of the decision making process about whether disciplinary action is necessary:

- Information provided by the police and/or children's social care.
- The outcome of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings.

2.13.5 The options will range from no further action to summary dismissal or not using the person's services in future.

2.13.6 Where the initial verification decides that the allegation does not involve a possible criminal offence, it will be for the Headteacher to deal with it

⁷ If the accused person is the Headteacher this will be the Chair of Governors or designated person responsible for Child Protection and the Director of Learning and Achievement or the Head of Organisational Development and Customer Services

following discussion with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within three working days.

- 2.13.7 Where disciplinary action is required the accused person should be given a copy of the disciplinary procedure and code of conduct as they are notified of this and informed of their rights of representation.
- 2.13.8 If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held within 15 working days. In exceptional circumstances or complex case, a longer time scale may be agreed by all parties.
- 2.13.9 Where further investigation is needed to decide upon disciplinary action, the Head teacher, Human Resources Provider and the LADO should discuss who should undertake that.
- 2.13.10 In some circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school or person's line management, to ensure objectivity.
- 2.13.11 The investigation team should review suspension arrangements (if appropriate) and should aim to provide a report within 10 working days.
- 2.13.12 The investigation team should consider all the evidence available to them and interview all relevant witnesses prior to the meeting with the accused person. Before being interviewed the accused person should be given up to date details of the allegations being made against him/her.

Anyone giving evidence to the team must be given the opportunity to have a Trade Union representative or other City Council colleague with him/her when meeting the team.
- 2.13.13 NB no child can be interviewed without the permission and presence of someone who has parental responsibility for that child or his/her nominated adult representative.
- 2.13.14 On receipt of the report, the Head teacher/Chair of Governors should decide within 2 working days whether a disciplinary hearing is needed and, if so, it should be held within 15 working days.
- 2.13.15 At the conclusion of a case in which an allegation is substantiated the LADO should review the circumstances of the case with the Headteacher and Chair of Governors to determine whether there are any recommendations in relation to the schools procedures or future practice/training needs.

SECTION 2.14

SHARING INFORMATION FOR DISCIPLINARY PURPOSE

- 2.14.1 In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
- 2.14.2 Where possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain for disciplinary purposes.
- 2.14.3 This will enable children's social care, the police and CPS to share relevant information without delay at the conclusion of their investigation or any court case
- 2.14.4 The local authority social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so any information obtained in the course of these enquiries that is relevant to a disciplinary case can be passed to the school without delay.
- If the police or CPS decide not to charge or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.
- 2.14.5 If the person is convicted, the police should inform the employer straight away so that appropriate action can be taken.

SECTION 2.15 RECORD KEEPING

2.15.1 The School/Human Resources provider must keep 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 and the Investigation Team's report on a person's confidential personnel file and give a copy to the individual. The purpose of the record is to enable accurate information to be given in response to any future request for a reference where appropriate.

Allegations that are found to have been malicious by the Headteacher should be removed from personnel records.

2.15.2 The record be kept at least until the person reaches normal retirement age or for 10 years from the date of the allegation, if longer.

2.15.3 The record will provide accurate information for any future reference and provide clarification if a future DBS disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface after a period of time.

2.15.4 Staff who have been exonerated following an investigation must not be unfairly disadvantaged in terms of their future treatment by employers, governors and career prospects. They should be reassured that, although a record of the investigation is kept on their confidential personnel file, it is not a disciplinary or other type of warning. The purpose of keeping this record on file is to protect the employee as well as children. The wording of any future reference will reflect this fact. Details of any allegations that after investigation are found to be unsubstantiated, unfounded or malicious should not be referred to 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 .

SECTION 2.16 MONITORING PROGRESS

- 2.16.1 The LADO 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) on the subject.
- 2.16.2 The designated local authority officer will provide advice and guidance to the school, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process
- 2.16.3 The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays.
- 2.16.4 The records will assist the Sheffield Safeguarding Children Board to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the DfE as required.
- 2.16.5 The police can consult the Crown Prosecution Service (CPS) at any stage about the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation.
- 2.16.6 This should be no later than 4 weeks after the initial evaluation wherever possible and fortnightly or monthly thereafter, if the investigation continues.

SECTION 2.17

ACTION IN RESPECT OF UNSUBSTANTIATED ALLEGATIONS

- 2.17 Where there is insufficient evidence to substantiate an allegation the Headteacher should consider what further action, if any, should be taken. This may include a review of internal processes/procedures to prevent similar situations arising again.

SECTION 2.18

ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

- 2.18.1 False allegations are rare and may be an indicator of need elsewhere requiring further exploration. If an allegation is determined to be false, the Headteacher, in consultation with the LADO, should refer the matter to children's social care to determine whether the child is in need of services, or might have been abused by someone else.
- 2.18.2 If an allegation is malicious, the Headteacher should consider whether any disciplinary or other management action is appropriate against the accuser, whether this be the worker, parent or pupil as appropriate. If the allegation has been maliciously invented the matter should be referred to the Police in consultation with the LADO. The Police will consider prosecution.

SECTION 2.19

REFERRAL TO THE INDEPENDENT SAFEGUARDING AUTHORITY OR REGULATORY BODY

- 2.19.1 If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the Headteacher and CYPD Human Resources whether a referral should be made to the Independent Safeguarding Authority (ISA) for consideration of inclusion on the barred lists or to the appropriate regulatory and/or professional body, eg General Teaching Council (GTC). Consideration will be given as to the person being barred from, or have conditions imposed in respect of, working with children. (This includes people provided by a supply agency or a volunteer)
- 2.19.2 There is a legal requirement for employers to make referrals to the ISA where they think
- An individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child, or
 - If a person otherwise poses a risk of harm to a child
- The referral should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.
- 2.19.3 If a referral is appropriate the report should be made within one month of the dismissal or resignation.
- 2.19.4 If it is agreed that a referral is required or desirable, the LADO should advise on the form and content of such a referral.
- 2.19.5 Employers that now want to make any ISA Childrens/Adults list referrals where they believe an individual poses a risk of harm to children or vulnerable adults should make the referral directly to the Independent Safeguarding Authority (ISA). All cases of Misconduct that have a child protection element must be referred to the ISA (previously they would be referred to the DfE). The ISA will then undertake the necessary casework and decide whether that individual should be barred from working with children or vulnerable adults. Employers are obliged to provide relevant information (upon request by the ISA) about any referral to support the case.

2.19.7

In line with City Council policy, it will also be necessary to place those employees who have been dismissed for gross misconduct (or whose dismissal on the grounds of gross misconduct would have been considered had they not resigned) on the City Council's Register of Dismissed Employees

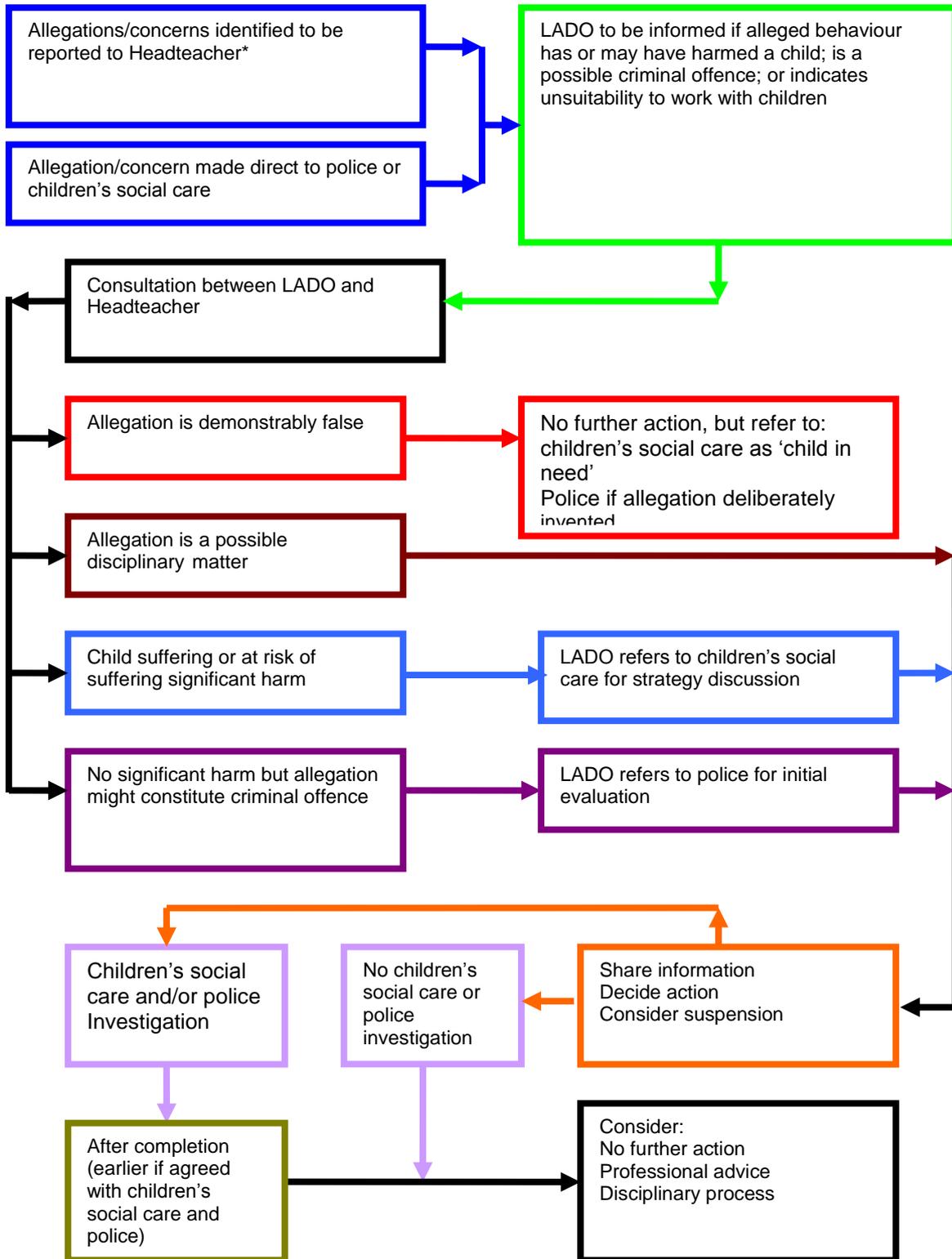
SECTION 2.20 CONCLUDING STRATEGY MEETING

2.20.1 In serious cases resulting in dismissal or the school ceasing to use the person's services, there will always be a concluding strategy meeting chaired and co-ordinated by the LADO. This may include the Headteacher and Human Resources provider.

2.20.2 The agenda for this meeting should include the outcome of the process, the Local Authorities recommendation and formal recording of reasons for any referral to regulatory and/or professional bodies.

SECTION 3 APPENDICES

ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF ACTION BY HEADTEACHER AND LA DESIGNATED OFFICER (LADO)



* If the accused person is the Headteacher then the Chair of Governors or designated person responsible for Child Protection will need to contact the Director of Learning and Achievement or the Head of Human Resources(where relevant).