



THE BENTLEY WOOD TRUST

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

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THE BENTLEY WOOD TRUST

POLICY FOR ALLEGATIONS OF ABUSE AGAINST STAFF AND VOLUNTEERS

Introduction

This policy applies across The Bentley Wood Trust ((TBWT) comprising of Bentley Wood High School and Aylward Primary School).

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Procedures need to be applied with common sense and judgement. The procedures in this policy will be followed alongside the school's complaints procedure and the Child Protection Policy and Procedures.

All staff and volunteers should 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. It is our policy that all allegations will be reported straight away, to the Head teacher (Case Manager), or to the Chair of Governors (Case Manager), in cases where the Head teacher is the subject of the allegation or concern.

TBWT will follow the latest guidance from the Harrow Safeguarding Children's Board (HSCB) (See Appendix 1) and the DfE on Keeping Children Safe in Education (September 2020) which lays down the framework.

SAFEGUARDING ENVIRONMENTS

We are proactive in reducing the risk of child abuse taking place by:

- Developing a safeguarding ethos in which children and staff can express their concerns; where staff are encouraged to challenge poor practice constructively; and where Whistle-blowing procedures can be engaged without fear (see Suite of HR Policies, the Whistle-blowing section of this policy has been published on the school website). This means that safeguarding policies and procedures are accessible to all and that there are means for communication and access to skilled advice, both internal and external to the organisation.
- Adopting safe recruitment and effective safe termination of employment practices (see Suite of HR Policies and Child Protection Policy and Procedures).
- Ensuring that all staff receive appropriate training in child protection, including how to recognise and respond to allegations against staff.
- Ensuring that staff understand what safe practice is and what is not. In particular, staff must be aware of behaviours that are likely to bring about criminal, child protection or disciplinary action. All staff therefore, should be provided with clear and relevant codes of conduct (see Suite of HR Policies).

- Ensuring that vulnerabilities expressed by staff are taken seriously and responded to at the earliest stage.
- Ensuring that when appropriate, risk assessments are undertaken following allegations to reduce the likelihood of repetition.

Note: A failure to report an allegation in accordance with the following procedure is a potential disciplinary matter.

Staff and volunteers are also strongly advised to report any incident involving themselves that could give rise to concern, including the potential for misinterpretation by others.

Duties as an employer and an employee

TBWT will follow this guidance in managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It would be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in 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; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

This part relates to members of staff who are currently working in the school regardless of whether it is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse will also be referred to the police.

Employers have a duty of care to their employees to ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Supply teachers

In some circumstances the schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency.

Whilst the schools are not the employer of supply teachers, we would ensure allegations are dealt with properly and would not cease to use a supply

teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Governing bodies and proprietors would discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. The schools will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school are under the supervision, direction and control of the governing body or proprietor when working in the school. They would be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

When using an agency, schools and colleges would inform the agency of its process for managing allegations. This would include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Initial considerations

The procedures for dealing with allegations would be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

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

- **Substantiated**; there is sufficient evidence to prove the allegation;
- **Malicious**; there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False**; there is sufficient evidence to disprove the allegation;
- **Unsubstantiated**; there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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

All allegations or concerns that a member of staff or volunteer may have abused a child should be reported to the relevant Head teacher (Dr Janice Howkins for Bentley Wood High School or Mr Clive Westall for Aylward Primary School). In cases where the Head teacher is the subject of the allegation or concern it should be reported to the relevant Chair of Governors (Mr Andy Lewis for Bentley Wood High School or Mr Marcello Borgese for Aylward Primary School). The Headteacher or Chair (the Case Manager) should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both Case Manager and the designated officer(s) and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

The Case Manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important to provide them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Case Manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. It should be carefully considered whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension would be considered prior to taking that step (see further information on suspension which follows).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance **Working together to safeguard children**. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the Case Manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the Case Manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation would normally be undertaken by a senior member of the school's staff.

However, in other circumstances, such as lack of appropriate resource within the school or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

Supporting those involved

TBWT as an employer has a duty of care to their employees to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals would be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual would be advised to contact their trade union representative, if they have one. They would also be given access to welfare counselling.

The Case Manager (or named representative) would 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, that may include support via the local authority occupational health or employee welfare arrangements. 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.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

Confidentiality

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to

the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Authorised Professional Practice published by the College of Policing in May 2017 the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.)

The Case Manager should take advice from the designated officer(s), police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when it should arise

Managing the situation and exit arrangements

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. **A referral to the DBS must be made, if the criteria are met.** Schools must also consider whether a referral to the Secretary of State is appropriate. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the school from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral.

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. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But 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 that 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.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer 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 cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel 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 personnel 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 checks 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 School have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

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

Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. 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.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations for resolving any inter-agency issues on the subject and for liaison with the three safeguarding partners. The designated officer(s) will provide advice and guidance to the Case Manager, 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. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the designated officer(s);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent

reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Suspension

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the designated officer(s) children's social care or police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school, immediate action should be taken to ensure the individual does not carry out work in contravention of the order i.e pending the findings of the Teaching Regulation Agency (TRA) investigation, the individual must not carry out teaching work.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or

- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Case Manager and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the designated officer(s) should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Information sharing

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.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to

share relevant information without delay at the conclusion of their investigation or any court case.

Children's 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 that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

Specific actions

Following a criminal investigation or a prosecution

The police should inform the employer and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances, the designated officer(s) should discuss with the Case Manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

On conclusion of a case

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 or her services, the designated officer(s) should discuss with the Case Manager and their personnel adviser whether the school will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer the matter to the (TRA) to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or

children who made the allegation can best be managed if they are still a pupil at the school.

In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the designated officer(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Case Manager should consider whether any disciplinary action is appropriate against the student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a student.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the Case Manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The designated officer(s) and Case Manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

Further information

See the [College of Policing: Engagement, Communication and Media Relations](#)

Contact Details

- The Designated Senior Manager (DSM) to whom all allegations should be reported to is
 - Bentley Wood High School - Dr Janice Howkins (Headteacher - contact via the school office on 0208 954 3623);
 - Aylward Primary School - Mr Clive Westall (Headteacher – contact via the school office on 020 8958 9202)

- The Chair of Governors is:
 - Bentley Wood High School - Mr Andy Lewis (contact via the school office on 0208 954 3623);
 - Aylward Primary School - Mr Marcello Borgese (contact via the school office on 020 8958 9202);

- The Local Authority Designated Officer (LADO) via HARROW MASH on 020 8901 2690 for ongoing cases contact Janice Miller on 020 8736 6435

Reference:

Harrow Safeguarding Children's Board (HSCB)

Working Together to Safeguard Children (July 2018)

DfE guidance on Keeping Children Safe in Education (September 2020)

Appendix 1

GUIDE FOR STAFF AND VOLUNTEERS facing an Allegation of Abuse

Any allegation of abuse is likely to cause a great deal of anxiety and concern. This guide is intended to help those faced with an allegation to be as well informed as possible. It provides an explanation of the process that will be followed and offers information about appropriate support and guidance.

What happens when an allegation is made?

The employer's Designated Senior Manager (DSM) should immediately consult the Local Authority Designated Officer (LADO) if it is alleged that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child; or
- possibly committed a criminal offence against or related to a child; or
- behaved in a way that indicates s/he is unsuitable to work with children

The accused person should be told about the allegation as soon as possible, but this may be delayed if police or social care, need to agree what information can be disclosed. If it is clear to the DSM and LADO, that the allegation is demonstrably false, you should be informed of the allegation that it is without foundation and that no further action will be taken.

What happens next?

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, a strategy discussion should be held, involving Police, LADO, employer, and other agencies as appropriate. You will not be asked to attend. Its aim will be to share relevant information and to determine whether one or more of the following types of investigation need to be conducted:

- social care enquiries, under child protection procedures
- a police investigation relating to possible criminal offences
- an investigation by the employer under disciplinary or suitability procedures

The Discussion will take account of the fact that staff, in certain circumstances, are entitled to use reasonable force to control or restrain children.

Volunteers and Supply Workers

If normal disciplinary procedures do not apply e.g. for volunteers and self employed supply workers, the employer and placing organisation will need to be involved and co-operate in any investigation; in deciding whether to continue to use the person's services or to provide the person for work with children in future.

Resignations and Compromise agreements

Employers should try to reach a conclusion in all cases, regardless of whether a person resigns or otherwise ceases to provide their services, or refuses to co-operate. "Compromise agreements" i.e. resignations without disciplinary action and an agreed reference, must not be used.

Timescales

Cases should be dealt with as quickly as possible consistent with a fair and thorough investigation and the LADO will monitor the progress in order to avoid unnecessary delay. DfES guidance sets out target timescales, but the time taken to resolve individual cases will depend on factors including the nature, seriousness and complexity of the allegation. Also, disciplinary or suitability processes may be delayed pending the outcome of police and/or social care enquiries.

Suspension

Suspension is a neutral act, not a sanction. It should not be automatic and alternatives should be considered. The employer should seek advice from the HR provider, and the LADO should canvass the views of police and social care if involved. The final decision is the employer's. It should be considered in all cases where:

- there is cause to suspect a child is at risk of significant harm, or
- the allegation warrants a police investigation, or
- it is so serious that it might be grounds for dismissal

Where suspension is being considered, an interview should be arranged and you are advised to seek assistance from your Trade Union. You have the right to be accompanied to the interview by a Trade Union representative or a friend. The meeting is *not* an examination of the evidence but an opportunity for you to make representations concerning possible suspension.

Notifications

Confidentiality should be respected and people only told about allegations on a 'need to know' basis. Those informed may include:

- The child concerned, his/her "parents" and any party making an allegation
- Your employer
- The LA Designated Officer for Allegations
- Senior members of staff
- Manager of the placing agency, if appropriate

There may be occasions when the police will need to decide the appropriate timing for individuals to be notified. Where, unfortunately, a matter becomes common knowledge or subject to speculation it may also become necessary to issue a brief and accurate statement for parents, children and the public. This will be determined by appropriate individuals after consultation.

Support

You should be:

- advised to contact your Union representative.
- given the name of a contact who will keep you up to date with progress of the investigation
- given the name of a contact to keep you up to date with work activities if suspended. Social contact should not be precluded unless it might be detrimental to the investigation, but colleagues should not discuss the investigation
- offered the services of the Staff Counselling Service and/or Occupational Health if available

You are also advised to contact your GP if you feel your health is being affected.

Return to work

If you have been suspended and a decision is made for you to return to work, your Union representative can assist in negotiating and planning this return.

Record Keeping

A comprehensive summary of the allegation should be kept on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations that have been investigated and found to be without substance. You should be provided with a copy. Other agencies, if involved, will keep their own records.

Independent Safeguarding Authority (ISA)

Your employer, and placing agency if appropriate, have a statutory duty to report you to the ISA for consideration of barring you from, or placing restrictions on you, working with children or young people, if:

- you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- you resign before a disciplinary process is completed, and your employer considers that you may have been dismissed

If you are referred, the ISA will send you a letter explaining the process, including your right to make representation.

Alleged criminal offence

If police decide to investigate you may be arrested or invited to assist with the investigation. You should contact your Union and/or a solicitor for advice. If arrested or interviewed, you should be cautioned as follows:

“You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”

At the police station you will be entitled to free and independent legal advice. You can see a Duty Solicitor, but if you want to use your own make sure he/she specialises in criminal law.

If ‘assisting with the investigation’ and not under arrest, you should be told that you are free to leave if you wish to do so. If arrested, you will be seen by the Custody Officer who will explain your rights in detail, including the right to have someone informed and to consult and read the “Code of Practice” that covers treatment during detention and interview. The Custody Officer will maintain a record of your period of detention.

Following arrest you can usually be held for up to 24 hours, after which you must be charged or released. This can be extended up to 36 or 96 hours by a Superintendent or Magistrate, respectively, depending on the seriousness.

Decisions about charging rest with the Crown Prosecution Service who act independently of the police. If you admit the offence, the CPS may advise a caution i.e. a formal warning about your actions. A caution will be recorded by the police and may influence a decision about instituting proceedings should you offend again. A caution could affect your ability to work with children in the future, and in sexual abuse cases could result in you being placed on the Sex Offenders Register. You should seek advice from your solicitor before agreeing to accept a caution.

If the CPS advises the police to charge you, this will be carried out by the custody officer. You will then either be released on bail to appear in court at a future date or kept in custody to appear at the next available court. The responsibility for the prosecution will lie with the CPS.