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Allegations against staff in an educational setting

Guidance

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1 Introduction

- 1.1 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.
- 1.2 The framework for managing cases of allegations of abuse against people who work with children is set out in

[*Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children \(April 2006\)*](#)

- 1.3 All schools, including non-maintained schools and independent schools, FE colleges, and local authorities exercising education functions, should use the following Guidance to review and, where appropriate, modify their practice and procedures for dealing with allegations of abuse made against teachers and education staff.

[*Safeguarding Children and Safer Recruitment in Education \(2006\)*](#)

- 1.4 This local guidance is supplementary to those guidance and compliant with the

[*London Child Protection Procedures; 3rd Ed. \(2007\)*](#)

- 1.5 This guidance should be used in any situation that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity.
- 1.6 It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) in a school, FE college or other education establishment that provides education for children under 18 years of age 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 s/he is unsuitable to work with children.

2 Initial response to allegation by member of staff receiving or identifying allegation

“It is important to ensure that even allegations that appear less serious are seen to be followed up and taken seriously, and that they are examined objectively by someone independent of the school or FE College concerned.”¹

- 2.1 Consequently, the local authority designated officer (LADO) should be informed of all allegations that come to the school’s or FE college’s attention and appear to meet the criteria in paragraph 1.6.
- 2.2 If a member of staff receives an allegation or has concerns regarding the behaviour of another member of staff, he or she should report it immediately to the headteacher or manager.
- 2.3 In the event that the headteacher is the subject of the allegation, or is unavailable then the member of staff should report the allegation or concern to the nominated governor.²
- 2.4 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.
- 2.5 They should not:
 - investigate or ask leading questions if seeking clarification;
 - make assumptions or offer alternative explanations;
 - promise confidentiality,
- 2.6 They should:
 - give assurance that the information will only be shared on a „need to know“ basis;
 - make a written record of the information (where possible in the child / adult’s own words), including the time, date and place of incident/s, persons present and what was said;
 - sign and date the written record;

3 Initial response to allegation by headteacher

- 3.1 When informed of a concern or allegation, the headteacher should not investigate the matter or interview the member of staff, child concerned or potential witnesses.
- 3.2 They should:
 - obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
 - approve and date the written details;

¹ Safeguarding Children and Safer Recruitment in Education (2006); page 6

² If the allegation is against a headteacher, then please substitute „nominated governor“ for all actions required by the headteacher in this document

- record any 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.

4 Initial evaluation

- 4.1 The headteacher should contact the LADO on the same day for an initial evaluation to determine whether the allegation or complaint meets the threshold of “significant harm”.
- 4.2 An initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child, and the person against whom the allegation has been made
- 4.3 There are three issues to consider in respect of an allegation:
- A police investigation of a possible criminal offence;
 - Social care enquiries and/or assessment about whether a child is in need of protection or services;
 - Consideration of disciplinary action by an employer.
- 4.4 If the allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or initial evaluation decides that is the case, the headteacher should discuss next steps with the LADO .
- 4.5 In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person’s services in future. The headteacher is advised to consult with the education HR.
- 4.6 In the event that it can be clearly demonstrated that the allegation is unfounded then the LADO should record this and take no further action.
- 4.7 In cases where a formal strategy discussion is not considered appropriate because the threshold of “significant harm” is not reached, but a police investigation might be needed, the headteacher should contact the LADO, who should have a discussion with the police and other relevant agencies to evaluate the allegation and decide how it should be dealt with.
- 4.8 The police must be consulted about any case in which a criminal offence may have been committed.
- 4.9 In cases where a police investigation is necessary the initial evaluation should also consider whether there are matters which can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.
- 4.10 The discussion should also consider how and when the parents of the child should be informed of the allegation, if not already aware.
- 4.11 In circumstances where the child has been injured and requires medical treatment, the headteacher should inform the parents as soon as possible and should not wait for the discussion with the LADO to take place.

- 4.12 If the LADO advises that the threshold for “significant harm” has been met then the LADO should contact the Assessment Service, Safeguarding and Rights immediately, by email or phone call, alerting them to the allegation and initiating the setting up of a strategy meeting/discussion.
- 4.13 The headteacher should complete a multi agency referral form (MARF) and fax or email it to the Assessment Service immediately.
- 4.14 The LADO should contact the divisional director, Safeguarding and Rights by email within 24 hours to inform him/her of the allegation, giving details of the school and an outline of the allegation and discussion with the headteacher.
- 4.15 On notification of the allegation, the Assessment Service should convene the strategy meeting/discussion within 5 working days.
- 4.16 The accused person should not be informed of the allegation prior to the strategy meeting unless agreed with the LADO/Police.

5 Allegation or complaint made directly to police or Assessment Service

- 5.1 Where the police receive the initial allegation or complaint, the police officer receiving the allegation should inform the Assessment Service immediately.
- 5.2 The Assessment Service should inform the LADO immediately on receipt of the notification and convene a strategy meeting/discussion.
- 5.3 Where the Assessment Service receive the initial allegation or complaint, the assessment team manager or practice manager should notify the LADO immediately and convene a strategy meeting/discussion.

6 Strategy meeting

- 6.1 Wherever possible, a strategy meeting / discussion should be face-to-face. However, on occasions a telephone discussion may be appropriate. The following is a list of core participants:
 - LADO/CPA to chair;
 - Assessment Service team or practice manager ;
 - Detective sergeant;
 - Headteacher or nominated governor;
 - Principal Officer, Access and Attendance
 - School’s Human Resources representative.
- 6.2 The above list is not exhaustive and other professionals may be invited to the strategy meeting if agreed by the LADO.
- 6.3 The strategy meeting / discussion should:
 - decide whether there should be a s47 enquiry and / or police investigation and consider the implications;
 - consider whether any parallel disciplinary process can take place and agree protocols for sharing information;

- consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. s550a Education Act 1996 in respect of teachers and authorised staff);
- consider whether a complex abuse investigation is applicable;
- plan enquiries if needed, allocate tasks and set timescales;
- decide what information can be shared, with whom and when.
- ensure that arrangements are made to protect the child/ren involved.
- consider other child/ren that might be affected, including the alleged perpetrators own children and any other children living in, or frequently visiting, the family home such as foster children or children placed for adoption.
- consider whether emergency action should be taken.
- consider what support should be provided to all children who may be affected;
- consider what support should be provided to the member of staff and others who may be affected;
- ensure that investigations are sufficiently independent;
- make recommendations where appropriate regarding suspension, or alternatives to suspension;
- identify a lead contact within each agency;
- agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- consider issues for the attention of senior management (e.g. media interest, resource implications);
- consider reports for consideration of barring;
- consider risk assessments to inform the employer's safeguarding arrangements;
- agree dates for future strategy meetings / discussions.

6.4 A final review strategy meeting / discussion should be held to ensure that all tasks have been completed and, where appropriate, agree an action plan for future practice based on lessons learned

7 Allegations where no child(ren) has been identified

7.1 Where there is no identified child the headteacher, or person identifying the concern, should contact the LADO for an initial evaluation.

7.2 If the outcome of the discussion is that the thresholds appear to be met for a strategy meeting, this will be arranged by the Safeguarding, Quality and Reviews Service.

7.3 The strategy meeting / discussion for these allegations should decide whether the concern justifies:

- approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or
- inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

8 Allegations against staff in their personal lives

- 8.1 If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren in regular contact with the member of staff, the general principles outlined in these procedures will still apply.

9 Allegation where staff lives in another Local Authority's area

- 9.1 If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.

10 Allegation of abuse against close associate of a member of staff

- 10.1 In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:

- the ability and/or willingness of the member of staff to adequately protect the child/ren;
- whether measures need to be put in place to ensure their protection;
- whether the role of the member of staff is compromised.

11 Supply, contract and volunteer workers

- 11.1 In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and the schools' HR service should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services. If not, whether to make a report for consideration of barring or other action.

12 Suspension

- 12.1 Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- there is cause to suspect a child is at risk of significant harm;
- or

- the allegation warrants investigation by the police; or
 - the allegation is so serious that it might be grounds for dismissal.
- 12.2 The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.
- 12.3 Only the headteacher, or the school's governing body, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.
- 12.4 If a strategy meeting / discussion is to be held or if LA children's social care or the police are to make enquiries, the LADO should obtain their views on suspension and make recommendations to the headteacher.
- 12.5 If a suspended person is to return to work, the headteacher should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

13 Disciplinary process

- 13.1 The LADO, headteacher and the school's HR service should discuss whether disciplinary action is appropriate in all cases where:
- It is clear at the outset or decided by a strategy meeting / discussion that a police investigation or LA children's social care enquiry is not necessary; or
 - The headteacher, school's HR service or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

14 Referral to Independent Safeguarding Authority (ISA)

- 14.1 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 their services, the LADO should discuss with the headteacher and the school's HR representative whether a referral should be made to the Independent Safeguarding Authority under the vetting and barring scheme. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children.
- 14.2 The referral should be completed by the member of staff's employer.
- 14.3 If a referral is to be made, it should be submitted within one month of the allegation being substantiated.

15 Resignations and compromise agreements.

- 15.1 Every effort should be made to reach a conclusion in all cases even if:

- the individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

15.2 Compromise agreements must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed).

16 Unsubstantiated and false allegations.

16.1 Where a strategy meeting / discussion concludes that there is insufficient evidence to substantiate an allegation, the LADO should complete a strategy meeting recording and forward this, and all evidence provided, to the headteacher to enable him/her to consider what further action, if any, should be taken.

16.2 False allegations are rare and may in any case indicate the possibility of abuse elsewhere which would require further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to the Assessment Service to determine whether the child is in need of services, or might have been abused by someone else.

16.3 If it is established that an allegation has been deliberately invented, the police should be asked to consider what action might be appropriate.

17 Confidentiality and information sharing

17.1 The LADO will advise the headteacher whether informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the headteacher and/or school's HR service should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

17.2 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

17.3 The headteacher and School's HR service should seek advice from the LADO, the police and / or LA children's social care about how much information should be disclosed to the accused person.

17.4 Subject to restrictions on the information that can be shared, the headteacher and school's HR service should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the barring lists or regulatory body).

17.5 The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

17.6 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

17.7 The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

18 Record keeping and monitoring

18.1 The headteacher and school HR service should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

18.2 The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions or direct liaison with the police, LA children's social care, headteacher and school's HR service, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

18.3 The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously. The records will also assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Children, Schools and Families (DCSF) as required.

18.4 The LADO should provide performance data on allegations management quarterly to the LSCB for inclusion in the LSCB dataset.

18.5 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion. Dates

for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

Senior Managers Responsible for Managing Allegations Against Staff –Children’s Services and Connexions

Organisation	Name & Job Title	Address/ Contact Details
Local Authority Designated Officer (LADO)	Alison Crowe Interim Group Manager Safeguarding , Quality and Review	Civic Centre Annex - Room 75 Dagenham, RM10 7BW ☎Tel:020 8227 2154 ✉E-mail: alison.crowe@lbbd.gov.uk
In addition to Alison Crowe delegated authority has been given to:		Amana Gordon - Child Protection Advisor ☎Tel: 020 8227 3578 Mobile: 07971 111 647 ✉E-mail: @lbbd.gov.uk
Education Safeguarding Lead	David Rosenthal Principal Inspector	Westbury Centre. Ripple Road, Barking, IG11 7PT ☎Tel: 020 8270 6407 ✉ mailto:david.rosenthal@lbbd.gov.uk
Children’s Services-Shared Services and Engagement	Joy Barter Group Manager Early Years and Childcare	Bridge House 150 London Road, Barking IG11 8BB ☎Tel: 020 8227 5533 ✉E-Mail: joy.barter@lbbd.gov.uk
Connexions	Nanette Higgins Area Manager	Unit 7 Monteagle Court Barking, IG11 8TE Tel: 020 591 9999 E-mail: nanette.higgins@vtplc.com

Allegations Management Flowchart

Appendix B

