

Luddendenfoot Academy Managing Allegations Procedures

2016/17



These procedures are in line with 'Keeping Children Safe in Education' (2016), and should be read alongside the school's Safeguarding Policy.

These procedures relate to any allegations regarding Person(s) working in or on behalf of School (including Volunteers). This procedure is about 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 should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- a. behaved in a way that has harmed a child, or may have harmed a child;
- b. possibly committed a criminal offence against or related to a child; or
- c. behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

We will apply the same principles as those contained in the Safeguarding and Child Protection Policy and follow the Calderdale Safeguarding Children Board Procedures. Detailed records will be made to include decisions, actions taken, and reasons for these. All records will be retained securely All records will be retained securely in our HR department, locked securely away.

Whilst we acknowledge such allegations, (as all others), may be false, malicious or misplaced, we also acknowledge they may be founded. It is, therefore, essential that all allegations are investigated properly and in line with agreed procedures.

Initial action to be taken:

- The person who has received an allegation or witnessed an event will immediately inform the head teacher and make a record
- In the event that an allegation is made against the head teacher the matter will be reported to the Chair of Governors who will proceed as the 'head teacher'
- The head teacher will take steps, where necessary, to secure the immediate safety of children and any urgent medical needs, this may as a last resort involve suspension
- The member of staff will not be approached at this stage unless it is necessary to address the immediate safety of children
- The head teacher may need to clarify any information regarding the allegation, however no person will be interviewed at this stage
- The head teacher will inform the Chair of Governors of any allegation

- The head teacher must consult with the Designated Officer from the Local Authority (referred to as the LADO in Calderdale) in order to seek advice and to help determine if it is appropriate for the allegation to be dealt with by school or if there needs to be a referral to Multi-Agency Screening Team (MAST) and/or the police for investigation
- If the decision is made that the allegation does meet the criteria for LADO involvement then a LADO Referral form will be completed ([Appendix 1](#))
- If the child(ren) who are the potential victim(s) are an open case to Social Care, the Social Worker should be informed of the allegation.
- Consideration will be given throughout to the support and information needs of pupils, parents and staff
- If consideration needs to be given to the individuals employment, advice will be sought from HR
- If the criteria has been met for referral to the LADO the head teacher will attend any Allegations Management Strategy Meetings relevant to investigating the allegation through to a conclusion
- If the school is aware that this member of staff or volunteer is engaged in any other employment or activity working with children this information should also be shared with the LADO
- The head teacher will keep the LADO informed of any new information that may influence the investigation and will cooperate fully with the police and/or social services where appropriate
- If there is a police investigation this has to take precedence over any other investigation
- If there is no police investigation or following conclusion of a police investigation the school will complete a Management Investigation, and a Case Manager will be appointed
- Parents or carers of a child or children involved will 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 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 the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with KCSIE (2016).

- A referral to the DBS *must* be made, if the criteria are met and 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.
- Following an allegation, 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 will be kept on the confidential personnel file of the accused, and a copy provided to the person concerned. This is to enable accurate information to be given in response to any future request for a reference, where appropriate. Ordinarily this record 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. Currently due to the Goddard Enquiry this information will be kept indefinitely until further guidance.
- 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, a joint decision with the LADO, the case manager and their HR adviser will be made as to whether the school or college 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 National College for Teaching and Leadership (NCTL) 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.
- Throughout any investigation the case manager will 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 will 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 will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. The case manager will 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 or college.

Appendix 1 – LADO Referral Form



ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN

Please return to: cheryl.baxter@calderdale.gov.uk

Or sue.dent@calderdale.gov.uk

Referral

Date of Referral:

Name of Referrer:

Agency of Referrer:

Contact details of Referrer:

Alleged Perpetrator

Name of Alleged Perpetrator:

Home Address:

Date of Birth:

Employer Name and Contact Details:

Alleged Victim

Name of Child(ren):

Date of Birth:

Person with PR:

Address:

Reason for Referral:

Action Taken by Referrer

Action taken by LADO