



Inspire Learning, Ignite Curiosity

Marlow C of E Infant School Managing Allegations against Staff and Volunteers 2022

Then God said, "Let us make humankind in our image, in our likeness"

Genesis 1:26

Rationale

At Marlow Church of England Infant School our curriculum vision is to inspire learning and ignite curiosity, within a welcoming Christian and spiritual community. We embrace the uniqueness of everybody and are inclusive of all. Our values of respect, kindness, perseverance, forgiveness, thankfulness and service guide all that we do and our aim is for every child to feel nurtured, supported and safe.

Our belief is that every individual is created in God's image and therefore is precious and valuable. We believe in treating everybody with respect and dignity because we acknowledge everyone's God given value and unique identity.

We aim to achieve this by providing children with the opportunity to work towards achieving their full potential by:

- Embracing the uniqueness of everybody and be inclusive of all
- Empowering all to be enthusiastic learners
- Ensuring that every child feels nurtured, supported and safe
- Enriching learning through progressive teaching methods and technology
- Being responsible to and for society
- Being good citizens of the planet

As a school we support the rights of children and these rights are encompassed in UN Convention of the Rights of the Child. This policy focuses on helping to realise *Article 19: "All children have the right to be protected from being hurt and mistreated, in body or mind"* and *Article 28: All children have the right to a good quality education"*.

Introduction

All organisations that provide services to children and young people must ensure that those who work with children, or on behalf of them, are competent and safe to do so. Similarly, everyone who comes into contact with children or young people in their work has a duty to safeguard and promote their welfare. All staff and volunteers will know how to recognise and report concerns or allegations and will understand what to do if they receive an expression of concern or allegation against another adult on site or if they themselves have concerns about the behaviour of another adult on site.

This policy gives guidelines to ensure that all staff, children and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, fairly and as efficiently as possible.

Allegations dealt with by these procedures

The procedures contained in this policy will be applied when there is an allegation that any person who works with children at our school in connection with their employment or voluntary activity, has

- Behaved in a way that has harmed a child/young person, or may have harmed a child/young person;
- Possibly committed a criminal offence against or related to a child/young person;

- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to children/young people.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children/young people.

Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- '[Grooming](#)', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other '[grooming](#)' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs / data images / pseudo-photographs of children.

In addition, these procedures will be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, including holders of Special Guardianship orders, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

These procedures will be followed where allegations are made against a 16 or 17 years old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities.

The procedures for dealing with allegations need to be applied with objectivity and professional judgement. Many cases may 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, the Headteacher will follow their safeguarding and other relevant procedures to resolve cases without delay.

It might not be clear whether an incident constitutes an 'allegation'. It is important to be mindful that in order to be an "allegation" the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meets the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and will be addressed by the Headteacher using the appropriate organisational procedures.

If it is difficult to determine the level of risk associated with an incident the following will be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff received training in managing this, and is training up to date?
- Does the member of staff understand that their behaviour was inappropriate/subject to review and express a wish to behave differently in the future? For example, are they willing to undergo training/can they demonstrate reflective skills?
- Does the child/young person, or family want to report the incident to the Police, or would they prefer the matter to be dealt with by the Headteacher?

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time, or there is confusion about the account.

Roles and Responsibilities

- **Local Authority Designated Officer (LADO)** The LADO is responsible for liaising with police and other agencies as well as ensuring that the cases are dealt with as quickly as possible with consistency and with a thorough and fair process.
- **Headteacher** The Headteacher is responsible for the operational management of the staff and volunteer team.
- **Designated Safeguarding Lead (DSL).** The DSL, who at our school is also the Headteacher, is the person appointed to take lead responsibility for safeguarding and child protection

Responding to an allegation or concern – the role of the Designated Safeguarding Lead/Headteacher

An allegation or concern raised about a member of staff may arise from a number of sources, for example, a report from a child / young person, a concern raised by another adult in the organisation, or a complaint by a parent / carer. It may also arise in the context of the member of staff and their life outside work or at home.

The person to whom the allegation is first reported will treat the matter seriously and keep an open mind. They will not:

- Investigate or ask leading questions;
- Make assumptions or offer alternative explanations;
- Promise confidentiality.

They will follow the School's safeguarding procedures, which will include the following:

- Making a written record of the information using CPOMS (where possible in the child, young person/ adult's own words), including the time, date and place of incident/s, persons present and what was said; ·
- Immediately reporting the matter to the designated safeguarding lead, or the additional designated safeguarding lead in their absence or; where the designated safeguarding lead is the subject of the allegation report to the Chair of Governors.

Police will be immediately informed where there is an urgent safeguarding risk or the allegation is of a very serious nature – this will also enable prompt action to be taken to gather evidence from mobile phones, etc.

When informed of a concern or allegation, the designated safeguarding lead will not investigate the matter but they will continue to gather factual information in regards to the incident and ensure any evidence is preserved. This fact-finding will be a neutral process and will not amount to an investigation of the incident.

They will:

Obtain written details of the concern / allegation, signed and dated by the person receiving it (not the child, young person/ adult making the allegation);

- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child, young person and/or member of staff, any decisions made, and the reasons for those decisions.

The designated safeguarding lead will review the information available and consideration will be given as to whether the case meets the threshold of harm/risk of harm.

- If it is decided it meets the threshold of harm/risk of harm and therefore is an allegation they will follow the procedures below and notify the [LADO](#) within one working day. If appropriate, the police will also be notified within one working day – or immediately if necessary;
- If it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern about conduct or practice only, then they will take steps to ensure any conduct or practice issues are addressed with the member of staff through normal employment practices;

If the designated safeguarding lead is unclear whether the incident meets the threshold of harm/risk of harm they will seek advice from the LADO

The designated safeguarding lead must inform their LADO within one working day when an allegation is made and prior to any further investigation taking place. A failure to report an allegation in accordance with procedures is a potential disciplinary matter.

- If it is outside of normal working hours and there is an immediate risk to a child or young person, the Local Authority Emergency Duty Team for children's social care. The LADO will be informed as soon as possible;
- An immediate risk assessment will be carried out;
- If appropriate the police will also be notified within one working day – or immediately if necessary;
- It is important to note that information gathering is distinct from investigation. The Headteacher will continue to gather information about the facts of the case, for example, checking if there is any evidence and taking statements from other witnesses.

Suspension will be considered only in cases where there is caused to suspect a child or other children and young people at the place of employment is/are at risk of harm or the case is so serious that it might be grounds for dismissal. The Headteacher must consider carefully whether the circumstances warrant suspension from contact with children until the allegation is resolved and may wish to seek advice from School's HR advisor and the LADO.

The Headteacher will 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 LADO, police and Children's Social Care Services have no objections to the member of staff continuing to work during the investigation, the Headteacher ' be as flexible as possible to avoid suspension. Based on assessment of risk, the following alternatives will be considered by the Headteacher before suspending a member of staff:

- Redeployment so that the individual does not have direct contact with the child or children and young person concerned;
- Providing an assistant to be present when the individual has contact with children;
- Redeploying to alternative work so the individual does not have unsupervised access to children;
- Temporarily redeploying the member of staff to another role in a different location.

These alternatives allow time for an informed decision regarding the suspension. This will, however, depend upon the nature of the allegation. The Headteacher will 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 will be agreed and recorded by both the Headteacher and the LADO. This will 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 will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an Headteacher to leave a person who has been suspended without any support. The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Responding to an allegation or concern – the role of the Local Authority Designated Officer (LADO)

The LADO will determine if the case meets the threshold for investigation

- **Deciding if it is an allegation of harm or a concern**
All concerns reported to the LADO will be assessed to decide if the threshold for an allegation has been met. In cases where it is not clear whether the threshold has been met, it might be necessary to have a discussion (by phone or in a meeting) to evaluate whether the threshold is met.

- The LADO will keep the Headteacher informed whilst the case is being assessed. Organisations raising concerns may want to challenge or discuss decisions made by the LADO and will need to be updated on any action taken;
- The Headteacher and the LADO will discuss the incident and agree whether it meets the threshold for risk of harm. Consideration will be given to the risk or potential risk to both the child/ren or young person directly affected by the issue and any other children or young people who may also be at risk;
- Where it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then the Headteacher will take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal employment practices.

Considering an allegation there are up to four strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- LA Children's Social Care enquiries and/or assessment about whether a child or young person is in need of protection or services;
- Consideration by an Headteacher of disciplinary action in relation to possible performance/conduct issues;
- Whether action in regards to the person making the allegation will be considered where the allegation has no foundation and may be malicious.

The LADO and the Headteacher will consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not demonstrably false and there is cause to suspect that the adult (or in specific circumstances the 16 or 17 year old) poses a risk of harm, the LADO will convene an Allegations against Staff and Volunteers (ASV) meeting/discussion. This will sometimes have to take place immediately but the speed at which it is convened will be commensurate to the risk.

If the allegation does not meet the threshold for risk of harm, and there is no evidence of harm, but there is concern about inappropriate behaviour etc., the LADO will inform the Headteacher of this who will then take responsibility for addressing the issue.

The LADO can provide advice and support to the Headteacher where necessary.

The police must be consulted about any case in which a criminal offence may have been committed.

An ASV meeting/discussion will decide the strategy for managing the allegation. Where necessary this will be a face-to-face meeting. Many cases can be managed through a discussion between the designated safeguarding lead, the police, any other relevant agency and the LADO. Where communication is via phone or email records will be kept for audit purposes. This will run parallel to any investigation by Children Social Care (CSC) who may need to convene a strategy meeting to determine if [Section 47](#) applies. The LADO and CSC will agree how the two processes will be managed the welfare of the child as paramount.

The ASV will be chaired by the LADO. It will normally be attended by the police, social care and the Headteacher. The Headteacher is advised to bring a HR advisor.

General Responsibilities

The School, together with LA Children's Social Care and/or police where they are involved, will consider the impact on the child or young person concerned and provide support as appropriate. Liaison between the agencies will take place in order to ensure that the child's needs are addressed.

Keeping parents/cares and children informed

- The Headteacher will inform the parents of the child/ren or young person involved of the allegation and the process that is being followed unless this will impede the disciplinary or investigative processes. The LADO can advise the Headteacher whether or not the parents will

be informed. However, in some circumstances, the parent/s may need to be told straight away (e.g. if a child or young person is injured and requires medical treatment);

- The parent/s and the child, if sufficiently mature, will be helped to understand the processes involved.

Support to the accused member of staff

As soon as possible after an allegation has been received, the accused member of staff will be advised to contact their union or professional association. The School will be consulted at the earliest opportunity in order that appropriate support can be provided via occupational health or employee welfare provision

Keeping the accused member of staff informed

Subject to restrictions on the information that can be shared, the Headteacher will, 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 DBS or regulatory body).

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.

The Headteacher may need to seek advice from their LADO, the police and/or Local Authority Children's Social Care about how much information will be disclosed to the accused person. However, providing information to the accused person throughout the process of dealing with the concern or allegation is an essential part of the common law duty to act fairly.

The person that is alleged to be responsible for [abuse](#) and/or [neglect](#) will be provided with sufficient information to enable them to understand what it is that they are alleged to have done or threatened to do that is wrong and to allow their view to be heard and considered. This also needs to be seen in the wider context of prevention, for example, information can be used to support people to change or modify their behaviour. Feedback will be provided in a way that will not exacerbate the situation or breach the Data Protection Act 2018 or General Data Protection Regulations.

Links to other policy documents

This policy should be read in conjunction with the following documents:

- Whistleblowing Procedure
- Child Protection Policy
- Complaints Procedure

Review

This policy will be reviewed every 3 years.

Date of review: March 2022

Date of next review: March 2025