

Hillside Primary School

Allegations of Abuse Policy



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Based on the procedural guidance outlined in the 'Norfolk Local Safeguarding Children's Board (NSCB) 'Allegations against persons who work with children' procedure. The procedure (section 8.3) gives guidance to schools on how to comply with the 'Keeping children safe in education' document.

Introduction

Schools have clear responsibilities for dealing with allegations of abuse of children made against their staff, whether those staff are paid or unpaid.

The statutory guidance entitled *Keeping children safe in education* applies under Section 175 of the Education Act 2002, the Education (Independent School Standards (England) Regulations 2010 as amended by SI 2012/2962 and the Education (Non-Maintained Special schools) (England) Regulations 2011. Schools must have regard to it when carrying out their duties to safeguard and promote the welfare of children. It should be read in conjunction with 'Working together to safeguard children. Links to both of these documents can be found under weblinks in the 'Allegations of abuse' section of HR InfoSpace.

Scope

All allegations of abuse of children by those who work and/or volunteer with children must be taken seriously.

For the purposes of this protocol, the following definitions apply:

- A child is anyone under the age of 18;
- An employee is anyone working with children, be it in an employed (all sectors and settings) or voluntary capacity;
- An employer is anyone working with or providing services to children (all sectors and settings).

The scope of this inter agency procedure is not limited to allegations involving Significant Harm or suffering or likely to suffer Significant Harm to a child. The procedure should be applied in all situations where it is alleged that a person who works with children has:

- Behaved in a way which 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 they may pose a risk of harm to children.

The Local Authority Designated Officer (LADO) plays a key role in the process of dealing with allegations of abuse against staff.

LADOs have to consider transferrable risk. If someone has behaved towards a child in their personal life, in a manner which could fulfil LADO criteria then LADO must consider the transferrable risk to the children they work / volunteer with, in a position of trust.

Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of Significant Harm, consideration will need to be given as to whether they may indicate unsuitability to work with children. Any such behaviour should be considered within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect.

These include concerns relating to inappropriate relationships between members of staff and children or young people:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual;
- Grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (see Section 16-19 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/email messages or images, gifts, socialising etc (see Section 15 Sexual Offences Act 2003);
- Possession of indecent photographs/pseudo-photographs of children;
- Qualified/unqualified staff becoming involved in a relationship with an ex pupil under the age of 18, who is no longer at the school;
- Sexual Exploitive behaviour;
- Inappropriate Physical restraint or physical harm to a child.

Reference may be made to the DfES 'Guidance for safe Working Practice for Adults who work with Children and Young People: and Keeping Children Safe in Education: The allegations may relate to the person's behaviour at work, at home or in another setting.

It may concern, for example, a paid employee, unpaid volunteer, child-minder, approved foster carer or prospective adopter.

In the context of this procedure, the term "employer" means the organisation that has a working relationship with the person against whom the allegation has been made and includes voluntary organisations, employment agencies, fostering services, child minder services, youth clubs and others.

Allegations of historical abuse should be responded to in the same way as current concerns. Anyone over the age of 18, making a historical allegation of abuse needs to contact the Police in the first instance, it will then be the Police who refer to the LADO as per procedures.

In such cases, it is important to find out whether the person against whom the allegation is made is still working with children, the current employer is not informed until the LADO has discussed and agreed with the Police what information will need to be shared.

Where concerns arise about a person's behaviour in relation to their own children, the current employer is not informed until discussed and agreed with Children's Services Social Care and/or the Police. There may be a need to contact the current employer to assess whether there may be

implications for children with whom the person has contact at work, in which case this procedure will apply.

Key Roles and Responsibilities

Local Authority Designated Officers

(Working Together to Safeguard Children 2018 now refer to LADO's as Designated Officers). The Local Authority must appoint a Designated Officer(s).

In Norfolk the title of LADO remains in use. The LADO for Norfolk schools can be contacted on 01603 307797.

PLEASE NOTE: The LADO will not:

- undertake any investigation;
- have direct communication with the person subject of the allegation;
- provide advice and support to the person subject of the allegation;
- provide HR advice in respect of suspension or dismissal.

The LADO's responsibilities are:

- To quality assure and have oversight of the safeguarding investigations undertaken;
- To be involved in the management and oversight of individual cases from all partner agencies of the LSCB which fall within this procedure;
- To provide advice and guidance to employers and voluntary organisations;
- To provide advice and guidance to Senior Managers (see Section 2.3, Senior Manager) about the operation of this procedure;
- To provide advice to parents who contact LADO which agencies/people to contact should they have concerns;
- To advise the employer/agency of the persons who are subject of the safeguarding LADO process where to seek support from.;
- To liaise with the Police and other agencies;
- To monitor the progress of cases – to ensure that they are dealt with as quickly as possible and consistent with a thorough and fair process;
- To keep records of all advice given, actions taken and decisions made;
- Chairing Multi-Agency LADO Meetings and liaising with chairs of Complex Abuse Strategy Meetings or other Local Authority Multi-Agency LADO Meetings;
- To contribute to LSCB inter agency training programmes and awareness raising across all agencies;
- To provide advice if appropriate to agencies in the discussion regarding suspension. The power to suspend is vested in the employer alone, it is not a LADO decision;
- To liaise with the Police and the Crown Prosecution Service; and
- To maintain information databases in relation of all allegations and produce qualitative and quantitative reports for the LSCB and Department for Education.

Named Senior Officer

Norfolk Safeguarding Children Board must appoint a Named Senior Officer to have overall responsibility for ensuring that their agency operates procedures for dealing with allegations against those who work with children in accordance with the guidance set out in Working Together to Safeguard Children 2018. The responsibilities of the Named Senior Officer include:

- Ensuring that their organisation complies with the standards identified and agreed by the LSCB for managing allegations as outlined within the Working Together to Safeguard Children 2018;
- Ensuring that this LSCB procedure for managing allegations is reflected and implemented within their own agency procedure;
- Ensuring that the work force is aware of and implements this procedure in relation to all allegations against those who work with or on behalf of children;
- Ensuring that the organisation has systems in place to review cases and identify and implement any changes, therefore improving procedures and practice;
- Resolving any inter-agency issues which impede the implementation of LSCB procedures;
- Ensuring that the key roles of Named Senior Officer, Local Authority Designated Officer and Senior Manager (employer) are reflected in their agency policy and procedure;
- Ensuring that effective reporting and recording arrangements within their agencies are in place.

Senior Manager (Employer/Organisation)

Each employer must appoint a Senior Manager who has overall responsibility for ensuring that this procedure is followed at an operational level. This person may be, or may represent, the employer. The responsibilities of the Senior Manager include:

- Ensuring that this procedure is properly applied and implemented;
- Providing advice, information and guidance for staff within the organisation;
- Being the senior manager within the organisation to whom all allegations or concerns are reported;
- Liaising with the Local Authority Designated Officer (LADO) as required under this procedure;
- Referring allegations in accordance with the organisation's and this procedure;
- Gathering any additional information which may have a bearing on the allegation e.g. previous known concerns, care and control incidents, etc;
- Providing the subject of the allegation with information where they can obtain support from and advising them to inform their union or professional body as part of their duty of care to the person subject to the allegation;
- Should the allegation be malicious, considering, in consultation with the LADO, the need to make a referral to Children's Social Care Services for support or to the Police;
- Attending Multi-Agency LADO Meetings;
- Liaising with Human Resources where the employer's disciplinary action is required;
- Ensuring that risk assessments are undertaken where and when required;
- Ensuring that effective reporting and recording systems are in place which allow for the tracking of allegations through to the final outcome;
- Undertaking appropriate checks with data the agency may hold;
- Providing reports and information as required by the LADO;

- Raising the awareness of the need to empower children and young people who are in vulnerable positions by ensuring their agency produce good whistle blowing and complaints procedures for all children;
- Ensuring appropriate and relevant training programmes are in place for and accessed by all staff;
- Ensuring relevant support programmes are in place for staff, parents and children/young people.

The employer must also identify an alternative person to whom reports should be made in the absence of the nominated Senior Manager, or in cases where that person is the subject of an allegation or concern.

The Police – Key Officers

The Chief Superintendent (or designated deputy) of the Vulnerability and Partnerships Command will:

- Have Strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with LSCB on the issue;
- Ensure compliance.

The Vulnerability and Partnerships Command should designate a Detective Inspector (or designated deputy – This may be an officer from another unit where they lead on the investigation) to:

- Liaise with the LADO;
- Take part in Multi-Agency LADO discussions;
- Review the progress of cases in which there is a police investigation;
- Share information, as appropriate, on completion of an investigation or related prosecution.

Responding to Allegations

All organisations which provide services to children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling allegations that fall within this procedure in a way which is consistent with the guidance set out in Working Together to Safeguard Children 2018.

Where such allegations are made, consideration must be given to the following strands:

- The police investigation of a possible criminal offence;
- An internal investigation by the agency/employer if there is not a criminal investigation;
- Enquiries and assessment by Children’s Social Care Services as to whether the child is in need of protection or in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

Initial Considerations

All allegations within this procedure that come to the employer's attention should be notified to the Local Authority Designated Officer (LADO) within one working day by completing the LADO referral form from the NSCB website.

Contact with the LADO needs to be made before any contact is made either with the person subject to the allegation or the child and parent/carer. This is to ensure that the correct action is taken which will not impede the disciplinary or investigative processes.

The LADO will discuss the matter with the employer and where necessary obtain further details of the allegation and the circumstances in which it was made.

If the LADO criteria and threshold is not met, the LADO will offer advice and guidance to the employer/agency and the referral will be closed as a consultation. It remains the employer/agencies' responsibility to inform the person subject of the referral that there was a consultation with the LADO.

The Police should be consulted, in any case where a criminal offence may have been committed or where the parent wishes for the allegation to be reported to the Police, as soon as practicable. The Multi-Agency LADO discussion with the MASH Police and/or the Children's Advice and Duty Service (CADS) should be undertaken to ensure that any live safeguarding or investigative procedures are implemented.

If there is reasonable cause to suspect that a child is suffering or is likely to suffer Significant Harm, the responsible person or employer will immediately refer the concerns around the child to CADS, and at the same time refer to the LADO Service for the safeguarding matters around the adult of concern to be dealt with. Wherever possible the LADO should be included in the Section 47 strategy discussion to consider whether the allegation/concern against the person of concern meets the LADO criteria.

In any case where there is a Section 47 Joint Investigation or a live Police investigation the Police should be represented at the initial Multi-Agency LADO meeting.

In other cases the Police should be consulted pre or post meeting as appropriate on any identified criminal concern.

When an allegation is against a residential children's home practitioner, the LADO Service will notify, discuss and update the Commissioning and Service Development Manager (Sufficiency) as appropriate. Consideration will be taken to notify other authorities and Ofsted; and alerting senior managers about any systemic concerns.

Where involvement from Children's Social Care is not required as the child is not believed to be suffering or likely to suffer significant harm but a police investigation will continue, the LADO should convene an initial meeting/discussion as appropriate to agree the agencies response and actions needed, whilst the police investigation is ongoing.

Where a decision is made that neither Children's Social Care nor the Police are required to continue any involvement, the LADO should discuss the next steps with the employer's senior manager about what further investigations are necessary, who will do this investigation and how this will be fed back in to the safeguarding LADO process.

The LADO's primary responsibility is the safeguarding of children and this will be the only issue a LADO will take in to consideration when/how the person subject of the allegation is informed. When it is agreed, it would be the employer/agencies responsibility to inform the person subject of the allegation that a safeguarding LADO referral has been made. This may be directed by the police when there is a criminal investigation.

The agency written report of the investigation must be shared with the LADO (two working days) prior to the LADO meeting, this report is important to inform the Multi-Agency LADO meeting to agree the safeguarding outcome and adjudication.

In the event of a Multi-Agency LADO Meeting being held, then this should be convened as soon as possible and include the LADO as chair and the Senior Manager for the organisation the referral is about.

Initial Multi-Agency LADO Meeting

The purpose of the Multi-Agency LADO Meeting is to share information relevant to the allegation that has been made and to plan any investigations that are necessary. It is important to consider previous concerns and allegations.

Attendance at these meetings must be prioritised as part of your organisations safeguarding responsibilities – as per these procedures.

Wherever possible, a Multi-Agency LADO discussion should take the form of a meeting, but on occasions a telephone discussion may be justified. The LADO will need to ensure that the relevant people are invited to a Multi-Agency LADO Meeting and any follow up meetings to ensure that the full scope of the enquiry can be effectively addressed.

The following is a list of possible participants (anyone implicated or potentially implicated in the allegation should not be involved):

- The LADO;
- The Referrer;
- Relevant Social Worker and his/her manager;
- Police Sergeant or Inspector rank;
- Designated senior manager for the employer concerned;
- Human Resources representative;
- Senior representative of the employment agency or voluntary organisation if applicable;
- Manager from the Fostering Service Provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;

- Those responsible for regulation and inspection where applicable;
- Designated Safeguarding Leads for Health representation where appropriate;
- Where a child from another local authority is placed or resident in Norfolk where the alleged incident took place, the child's social worker and/or manager;
- The Independent Reviewing Officer for the Looked After Child;
- Representative from the school, for the child concerned;
- Complaints officer if the concern has risen from a complaint;
- Representation from Governor Services and/or Academy Trust where allegations are about a Head Teacher or School Governor;
- Senior Manager from Early Years, if allegation relates to an early years setting;
- Service Development Manager, Placement and Sufficiency.

Notifications will be required to be made to OFSTED by the employer/agency, regarding day care and child-minders, residential staff, foster carers and prospective adopters.

The Multi-Agency LADO Meeting will be chaired by the LADO.

The Multi-Agency LADO Meeting will need to:

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim;
- Consider the current allegation in the context of any previous allegations or concerns;
- Check whether there are any diversity or equality issues/special needs to consider for either the victim or person of concern;
- Consider whether any other children are affected by the allegations e.g. the persons own children or other children in the agency setting for example children placed with foster carers, child-minders, a youth club, grandchildren, residential unit;
- Determine any action that needs to be taken in respect of any other children identified including discussions with CADS about a Section 47 Enquiry;
- Plan the investigation/enquiries and set timescales for tasks to be undertaken;
- Consider whether the circumstances suggest that the person who is subject to the allegation should be suspended from contact with children, to inform the employers decision about this issue (including whether a foster carer's approval should be suspended and the implications for other children in the placement); this may change as the investigation progresses and should be reviewed regularly;
- Decide how regular information and support will be provided to the child and family and by whom including the outcome of the process;
- Ensure that the person who is the subject of the allegation is kept informed and supported as part of the employer's duty of care;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider issues for the attention of senior management e.g. media interest, resource implications, systemic concerns impacting on commissioning of services;
- Consider whether a Complex Abuse investigation is applicable.

On-going LADO Involvement and Outcome of the Safeguarding LADO Process

The progress of the investigation and enquiries needs to be reviewed by the LADO to prevent drift and delay.

Agencies are required to keep the LADO informed of the progress of the investigation, including the conclusion of any investigation in order that a final Multi-Agency LADO Meeting can be held to make an adjudication in terms of safeguarding concerns and the allegation/s.

The Police or the Crown Prosecution Service (CPS) should inform the employer's Senior Manager and Local Authority Designated Officer (LADO) as soon as practicable when a criminal investigation and any subsequent trial are complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged.

The essential people to attend the final Multi-Agency LADO meeting are:

- The referrer where relevant or appropriate (as agreed with the LADO)
- Senior representatives from the agency/organisation
- Person/s representing the voice of the child. If this is not possible, the LADO will ensure that the voice of the child is represented through other means
- Investigator and/or person overseeing the investigation
- All other persons attending will be agreed with the LADO in advance of the meeting

Where there is an agency investigation, a written report of the investigation must be shared with the LADO (two working days) prior to the LADO meeting, this report is important to inform the Multi-Agency LADO meeting to agree the safeguarding outcome and adjudication.

It is the employer/overseeing agency's responsibility to ensure that the person subject of the LADO process's views are obtained and represented in the final Multi-Agency LADO meeting.

A final Multi-Agency LADO meeting will be held to ensure all tasks have been completed and an adjudication on the outcome of the allegation will be made, and, where appropriate, agree an action plan for future practice based on lessons learnt.

In summarising the information shared from the investigation, the LADO will give clear direction in terms of the adjudication options that are relevant to the outcome. The LADO has the deciding adjudication where there is a split decision, or if the LADO does not believe that the decision was appropriate, fair or proportionate.

The record of the LADO meeting is not verbatim, it is a summary of the discussion and allows for clear decisions and actions to be recorded.

It is the employer/ agency's responsibility to share the Safeguarding LADO Process outcome with their employee/volunteer who had been subject of the LADO referral.

There is no appeal to the outcome of the Safeguarding LADO Process. Where there is no admittance, caution or conviction, participants will make a decision considering all the information shared in the process. The adjudication is a Multi-Agency informed professional decision based on

the balance of probability, which is a lower threshold than beyond all reasonable doubt and that is used in a court of law.

The Norfolk County Council Complaints Process needs to be followed if the person considers the allegations procedures as set out in this document was not followed.

It is a legal requirement as set out in Working Together 2018, that a referral to the DBS is made by the employer or volunteer manager when both the harms test has been met and the person has been dismissed /resigned/ removed from regulated activity.

Cross Boundary Issues

Where a child from Norfolk Local Authority makes an allegation in a setting or placement which is outside their own area, the lead responsibility for action lies with the LADO for the area where the alleged abuse occurred. If an alleged incident happens in Norfolk it is the responsibility of the Norfolk LADO to lead the process regardless of where the employer or employment agency is based.

In these circumstances, the Local Authority Designated Officer and the child's social worker will liaise with the relevant LADO for that area and agree a joint strategy.

Where the referral relates to a child from another Local Authority temporarily placed in an establishment located within Norfolk Local Authority Area's area, for example a boarding school or holiday activity centre etc, the Local Authority Designated Officer should liaise with the child's home authority about the roles and responsibilities in carrying out this procedure. In some circumstance the Norfolk LADO will discuss and negotiate with the LADO from another local authority about who is best placed to run the LADO process.

Restrictions on identifying Teachers against whom Allegations of Criminal Misconduct have been made

With effect from 1 October 2012, the Education Act 2011 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 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. Breaching the reporting restrictions is a criminal offence.

The Headteacher/Chair of Governors should take advice from the LADO, 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. Please note that this provision applies only to teachers, not to other staff in educational establishments.

Resignations and Compromise Agreements

The fact that a person resigns, or ceases to provide their service, must not prevent the allegations being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of safeguarding allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process, having been given a full opportunity to answer the allegation and make representations.

Compromise agreements must not be reached whilst the safeguarding process is ongoing.

Confidentiality and Record Keeping

Under the General Data Protection Regulations and Data Protection Act 2018, any information shared in a Multi-Agency LADO meeting/process, which includes but is not limited to, the agreed action log, discussions within the meeting and any record provided after the meeting are strictly confidential and cannot be shared with anyone outside of this meeting without the permission of the LADO who chaired the meeting. Information shared without explicit written consent of the LADO may be treated as a breach of Data Protection.

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered or investigated.

Each agency should not provide any information to the press or media that might identify an individual who is under investigation, unless or until the 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 should have been consulted beforehand.

The outcome of the Safeguarding LADO Process is confidential to the person subject to the allegation or concern and cannot be shared with anyone unless agreed by the LADO.

The person subject of the allegation has a right under section 7 of the Data Protection Act to have access to information about themselves. This does not however give them a right to access information about others, even though they may be the person of concern and subject of the LADO process; or the victim or the parent or carer of the victim making the allegation in the LADO process.

HR or the Designated Manager of the employee in question must keep a clear and comprehensive record of any allegations made.

Each agency must take great care to ensure that the records they keep respect the confidentiality of the victim and/or the alleged person of concern i.e. the child's file should contain limited information about the person of concern and the their (his/her) file should contain limited information about the child victim.

Information of the Multi-Agency LADO process including outcome must not be included on a child's Social Care record. Only that a Safeguarding LADO process has taken place and the Norfolk LADO can be contacted for further details.

Learning Lessons

The employer and the LADO should review the circumstances of the case to determine if there are any improvements to be made to the organisations procedure or practice.

In some cases, a Serious Case Review may be appropriate. This will be discussed at a Lessons Learnt meeting and appropriate referral/discussion had with the Chair of Serious Case Review Group.

Guidance on Retention of Records

HR or the Senior Manager of the employee in question should keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached. These should be kept in a person's confidential personnel file and a summary should be given to the individual by the employer. Please note that the record of Multi-Agency LADO meetings must not be given to the person subject of the process. They may apply for the record through the Norfolk County Council Information Management Service.

The purpose of maintaining a record that a LADO process has taken place in respect of the individual, is to enable accurate information to be given in response to any future request for a reference under safer recruitment procedures. It will provide clarification in cases where a future DBS disclosure reveals (from Police records), that an allegation was made, but did not result in a prosecution or a conviction. It will also prevent unnecessary re investigation if, as sometimes happens, allegations resurface after a period of time.

Guidance from the Independent Investigation into Child Sexual Abuse (IICSA) advises all organisations to retain any and all documents, notes, e mails and all other information – however held – which contains or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection care. Children relates to any person under the age of 18. This remains in force.

HR support

At appropriate stages in the process for dealing with allegations of abuse, support can be obtained from Educator Solutions HR Services (01603 307760 or HRenquiry@educatorsolutions.org.uk). Particularly during any internal investigation stage and, if there appears to be foundation to the allegations, through the disciplinary process, schools are strongly advised to involve their allocated HR Consultant to ensure that the various procedures are adhered to and that the rights of staff are recognised and met.

Designated Governor Committee: Curriculum & Pupils

Name/Signature of Headteacher: Simon Minter

Date: Oct 2020

Review date: Oct 2021