



## Medina House School Allegations of Abuse Against Staff Policy

### ISLE OF WIGHT LOCAL CHILDREN'S SAFEGUARDING BOARD. MANAGEMENT OF ALLEGATIONS AGAINST STAFF WORKING TOGETHER TO SAFEGUARD CHILDREN (2006) APPENDIX 5 GUIDELINES.

#### 1. INTRODUCTION.

1.1. These guidelines have been prepared for both the management of allegations against staff and for the timely reporting of same to the Local Authority Designated Officer for the Management of Allegations against staff members. (LADO)

#### 2. STATUTORY GUIDANCE.

2.1. Appendix 5 of "Working Together to Safeguard Children" (2013)

**(A COPY IS AVAILABLE IN THE STAFFROOM)** sets out the guidance on safeguarding children from people in a position of trust, who may have:

- Behaved in a way that has harmed, or may have harmed, a child
- Possibly committed a criminal offence against or related to, a child
- Behaved towards a child or children in a way that indicates s/he poses a risk of harm to children.

2.2. The IOW Local Safeguarding Children's Board recommends that every employer/manager whose employees/staff members have or could have access to children, is fully conversant with their management role and responsibility within Appendix 5 of Working Together to Safeguard Children (2013) and follows through the three strands of the allegation:

- Police investigation of a possible criminal offence
- Enquiries and assessment by children's social care
- Consideration of disciplinary action against the employee

With notification of all allegations to the Isle of Wight Local Authority Designated Officer

**(LADO) on Tel:** 01983 823723 **Fax:** 01983 823123. All concerns should be reported within 1 working day of the allegation becoming known to [LADO@iow.gov.uk](mailto:LADO@iow.gov.uk).

#### 3. TIME SCALES

##### 3.1. IMMEDIATE REPORT.

All Allegations against staff should be reported to the Headteacher unless the Headteacher is the subject of the allegation, in which case it should be reported to the Chair of the Governors, Mr Matt Atkins – 01983 567083.

**In the Headteacher's absence the Deputy Head should be informed with the Headteacher being involved at the earliest opportunity. All information should be treated in the strictest of confidence. In any event, the Headteacher will, as soon as is appropriate inform the Chair of Governors.**

##### 3.2. LADO WITHIN 1 WORKING DAY.

If the allegation meets any of the criteria in Appendix 5 outlined above, the Headteacher should report to the LADO within one working day.

### **3.3. NON DISCIPLINARY ACTION 3 WORKING DAYS.**

Where the initial evaluation decides that the allegation does not involve a possible criminal offence and does not require formal disciplinary action, appropriate action should be instituted within three working days.

### **3.4. DISCIPLINARY ACTION – 15 WORKING DAYS.**

If disciplinary action is required and can be held without further investigation, the hearing should be held within fifteen working days.

### **3.5. INVESTIGATIVE REPORT – 10-15 WORKING DAYS.**

If further investigation is required to inform consideration of disciplinary action the employer should discuss with LADO an appropriate investigative officer, with consideration of a person independent of the Headteacher or the person's line management to ensure objectivity.

The report should be prepared within 10 working days, followed by decision. Re-disciplinary action within two working days and hearing if needed within fifteen working days.

## **4. INITIAL CONSIDERATION.**

4.1. Procedures need to be applied with common sense and judgment but some allegations are so serious as to require immediate referral to social care and the police for investigation.

4.2. In cases where the child has been injured while in the organization's care and requires medical treatment, the parent should be informed immediately

4.3. Social Care / police will call a strategy meeting if the child is suffering, or likely to suffer, significant harm to which the Headteacher or representative will be invited to participate to share information about the circumstances and the context of the allegation.

4.4. In cases where a police investigation is required, but neither the threshold of significant harm nor a formal strategy meeting has reached the threshold criteria, the LADO should discuss by telephone or by meeting with the employer, police and other agency involved with the child, the evaluation of the circumstances prior to a decision on the way forward. This joint evaluation should consider whether matters can be taken forward in a disciplinary process in parallel with criminal proceedings, or whether the disciplinary action needs to wait for completion of the police enquiries and / or prosecution.

4.5. In any case in which social care have undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher should take account of any relevant information obtained in the course of these enquires when considering disciplinary action.

4.6. Other allegations may appear at first sight not to warrant consideration of a police investigation or enquiries by children's social care. However it is important to ensure that even apparently less serious allegations are seen to be followed up, and that all are examined independently by someone independent of the organization concerned. Consequently, all allegations should be forwarded to the LADO using form LADO 1, so that additional liaison can be made with police and social care as appropriate.

4.7. The employer will establish in discussion with the LADO, whether the allegation is within the scope of appendix 5 and has some foundation:

- Behaved in a way that has harmed, or may have harmed, a child
- Possibly committed an criminal offence against or related to, a child
- Behaved towards a child or children in a way that indicates she/he poses a risk of harm to children.

4.8. In some cases, further investigation will be needed to enable a decision as to how to proceed. The LADO will discuss with the Headteacher how and by whom the investigation will be undertaken. The employer may undertake the investigation or commission an independent investigator.

4.9. In cases that do not merit joint evaluation by police or social care, the LADO will discuss with HR the options available to the Headteacher including, summary dismissal, decision not to use services in future to no further action.

4.10. The LADO should continue to liaise with the employer to monitor the progress of all cases and provide advice/ support when required or requested.

## **5. COMMUNICATION WITH PARENTS/ STAFF MEMBER**

5.1. The LADO in less immediate cases , in liaison with social care and police colleagues, will discuss with the referrer how and when the parents/ carers will be informed of the allegation if the parents/ carers are not already in receipt of this information.

5.2. The employer should inform the accused person about the allegation as soon as possible after consulting the LADO, unless a strategy meeting is needed or it is clear that police and social care may need to be involved, who will advise on the timing and what information may be disclosed.

## **6. NON CO-OPERATION / RESIGNATION.**

6.1. It is important that every effort is made to reach a conclusion in all cases including where the person declines to co-operate. Wherever possible the person should be encouraged to co-operate with the process, given full opportunity to answer the allegation and make representation about it. Even if the person's period of notice expires before the process is complete, it is important to reach and record a conclusion.

6.2. All allegations must be followed up in accordance with these procedures, even if the person tenders his resignation.

## **7. SUSPENSIONS.**

7.1. The power to suspend is vested in the Headteacher alone, or in the case of the Headteacher, the Chair of Governors.

7.2. Individuals should not be suspended without careful consideration of all the variables and guidance within Appendix 5. However, when a strategy meeting or initial evaluation discussion concludes there should be enquiries by social care and/ or an investigation by the police, the LADO should canvass police and social care views on suspension and inform the Headteacher accordingly.

7.3. Suspension of the staff member should be considered by the employer when there is a perceived risk of harm by the accused person to the child(ren) involved in the allegations, especially when a child is considered at risk of significant harm, warrants investigation by the police, or is so serious that it may constitute grounds for dismissal. This applies also to any children in the individual's home, work or community life.

## **8. CRIMINAL PROCEEDINGS.**

8.1. If the police or CPS decides not to press charges, decide to issue a caution or if the person is acquitted by the courts the employers will receive from the police and social care all the information pertinent to disciplinary proceedings. The Headteacher, LADO and HR will discuss whether any further action is appropriate and if so, how to proceed taking into account the information from police and social care, and bearing in mind the different standard of proof required in disciplinary and criminal proceedings.

8.2. If the person is convicted by the courts, the employer will be informed straightaway by the police so that appropriate action can be taken.

## **9. CONFIDENTIALITY**

9.1. Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered or investigated. The police do not normally provide any information to the press or media unless or until that person is charged with a criminal offence.

9.2. In exceptional cases where the police identify a person, such as when appealing to trace a suspect, partner agencies should be consulted beforehand and the reasons for departure from usual practice documented.

## **10. RECORD KEEPING.**

10.1. It is important that employers keep a clear and comprehensive summary of all allegations made, details of how the allegations were followed up and resolved, inclusive of actions taken and decisions reached.

10.2. The documentation should be kept in the person's confidential personnel file and a copy should be given to the individual. The documentation should be retained until the person reaches retirement age, or for 10 years if that is longer

10.3. The purpose of the comprehensive summary is to enable accurate information to be given in response to any future request for a reference. It will provide clarification where a future DBS disclosure reveals information from the police that an allegation was made but did not result in prosecution or conviction. It will also prevent unnecessary re- investigation should allegations re- surface after a period of time.

#### **11. REFERRAL TO PROFESSIONAL BODIES.**

11.1. If the allegation is substantiated and the individual is dismissed, resigns or ceases to provide services, the employer should discuss with LADO referral to the Disclosure and Barring Service, along with form and content of referral.

11.2. Similarly if the person is subject to registration or regulation by a professional body, e.g. OFSTED. Health & Care Professionals Council, consideration of referral should take place.

#### **12. FALSE AND UNFOUNDED ALLEGATIONS.**

12.1. When allegations are found to be unfounded, the employer should refer the matter to children's social care for assessment of the child's need for services or investigation whether the child may have been abused by someone else.

12.2. When an allegation is deliberately invented or malicious, the employer should ask the police whether any action might be appropriate against the person responsible.

#### **13. LEARNING LESSONS.**

13.1. At the conclusion of the case in which an allegation is substantiated, the Headteacher should review the circumstances of the case to determine whether there are any improvements to be made to the organization's procedures or practice to help prevent similar events in the future.

For further guidance see pgs. 57-67 "Safer Recruitment and Safeguarding Children in Education" DfES ref: 04217-2006BKT-EN and "Guidance for Safer Working Practice for Adults who work with children and young people" (November 2007) - AMA

#### **Additional Contacts:**

##### **Isle of Wight Children's Services (Social Care) Out of Hours Service**

Telephone: (01983) 821105

##### **Hampshire Police**

(General Enquiries) Telephone 0845 045 45 45                      (Emergency) Telephone 999

**Date Policy Agreed:** .....

**Signed:** \_\_\_\_\_  
(Chair of Governors)

**Signed:** \_\_\_\_\_  
(Headteacher)

**Review Date: December 2014**