

Child Protection Allegations against Staff

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Introduction

Safeguarding children and young people in our schools is everyone's responsibility. All staff, volunteers and visitors need to be aware of and understand the procedures in place in the school for reporting any issues of concern. Concerns should never be ignored.

The [Wandsworth Safeguarding Children Board](#) has published advice to organisations on [how to manage allegations against people who work with children](#), and [advice for those who find themselves subject to such allegations](#). This procedure does not replace their advice but is intended to complement it and provide a more detailed procedural framework for schools in Wandsworth to follow when such allegations arise.

The procedure applies to all staff and volunteers who are currently working in the school regardless of whether the school is where the alleged abuse took place.

Allegations against former staff or volunteers should be referred to the police. Historical allegations of abuse should also be referred to the police. If the allegation is against a member of staff provided by a supply agency, the agency should be informed immediately.

This procedure was last updated in September 2015 and is recommended to all relevant bodies for adoption.

Legal background

A significant number of employment acts, regulations, statutory advice and guidance relating to safeguarding have been published by various government and associated bodies over the past 10 years. The purpose of the publications has been to ensure that children and young people are adequately protected from abuse.

In March 2015, the Department for Education published updated guidance: [working together to safeguard children](#). The guidance sets out the legal requirements and expectations on individual services and organisations to safeguard and promote the welfare of children and how these different services should work together to ensure the best possible outcomes for children.

In July 2015, the Department for Education published statutory advice: [keeping children safe in education](#). This advice applies to all schools and all schools must have regard to it when

carrying out their duty to promote and safeguard the welfare of children.

The advice defines 'safeguarding and promoting the welfare of children' as: *protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.*

Responsibilities

The local authority has a designated officer (the LADO) who is involved in the management and oversight of allegations against people that work with children in the borough.

The governing body is ultimately responsible for ensuring the safety of children and young people in the school. They must ensure that the policies, procedures and training in their school are effective and comply with the law. The governing body must also identify a member of the governing body (usually the chair) who will work with the LADO in the event of allegations arising against the head teacher.

The head teacher is responsible for ensuring that the school provides a safe environment in which children can learn and that all staff understand their safeguarding responsibilities and know how to raise concerns. The head teacher is responsible for ensuring that all staff receive adequate training and comply with child protection procedures. They are also responsible for liaising with the LADO in relation to any allegations arising against staff.

All schools should have an appointed safeguarding lead. This is normally a member of the school leadership team. The safeguarding lead should undergo child protection training at least every two years.

All school staff have a responsibility for safeguarding children and for identifying and take action if a child is thought to be at risk. The [teacher standards 2012](#) require all teachers, including headteachers, to safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties. All staff should have regular child protection training.

Managing allegations against staff

Any adult working with children may at some point be the subject of an allegation that they have abused a child or put a child at risk. Such allegations can be distressing for everyone involved. Clear procedures provide a transparent and consistent child-centred approach to investigating concerns and identifying appropriate action, whilst ensuring that those facing allegations are adequately supported.

Allegations may come to light in a variety of ways. For example, a child may disclose concerns personally, a parent or carer may raise concerns, a member of staff or a visitor may witness something of concern. It is important that all concerns are considered objectively.

If staff members have concerns about another staff member then this should be referred to the head teacher. Where there are concerns about the headteacher this should be referred to the chair of governors (or relevant committee).

Unless it is apparent that the individual reporting the allegation has been mistaken or misinterpreted what they saw/heard, then the allegation must be reported to the LADO.

Preliminary investigations

The first step is to identify whether any immediate intervention is required to safeguard the child. In some situations the allegation will be so serious that an immediate referral to social

services and/or the police is required. The school should inform the LADO of all allegations that meet this criterion so that the LADO can make the referral on behalf of the school.

In other cases, a preliminary investigation may be required to establish whether there is any potential substance to the allegation. The head teacher will determine who will be appointed to undertake this. The head teacher or appointed person will take steps to establish the full facts of the allegation without unreasonable delay. This may involve asking questions of the person making the allegations, the child, witnesses and/or the individual against whom the allegation is made; checking timetables or CCTV; seeking medical attention for the child; and/or asking for written statements. It may not always be appropriate to discuss the allegation with the accused person at this stage. What is needed in each case will be determined by the individual circumstances and further advice may be sought from the schools [human resources advisers](#). Steps should be taken by the school to secure any available evidence and maintain confidentiality.

The following definitions should be used when determining the outcome of the preliminary investigation:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Malicious and false allegations

Where it is concluded either by the LADO or as a result of an internal investigation that there is insufficient evidence to substantiate an allegation, the matter may need to be referred to children's social care to determine whether the child is in need of services. The school should consult the LADO in these circumstances.

If an allegation is made in good faith, but it is not upheld or confirmed by subsequent investigation, no action will be taken against the individual that reported the concern. If however a member of staff is found to have made a malicious allegation, or acted for personal gain, they may be subject to disciplinary action under the school's disciplinary code.

Reporting concerns to the LADO

The purpose of reporting a concern to the LADO is to enable an initial discussion about the allegation and agree on a course of action. The LADO will require all relevant information from the school, including any notes of meetings or conversations or witness statements relating to the allegation.

The minimum information to be provided to the LADO is:

- Name, address and date of birth of the child/children
- Name of the parents or carers of the child/children
- Name, address, date of birth, job title and length of service of the member(s) of staff against whom the allegation is made
- Details of the allegation
- Any notes or written statements from members of staff or others involved, including any witnesses

Having reviewed the information provided, the LADO will determine whether any further action is required. If the allegation is not demonstrably false or unfounded and there is cause to suspect a child is suffering or likely to suffer significant harm, a strategy discussion will be convened. This is a multi-agency meeting led by the LADO or their

representative. The school's human resources adviser should attend such meetings to provide advice to the school, and to ensure the authority is adequately represented in relation to community schools. The purpose of the strategy discussion is to share all relevant information and determine whether an investigation needs to be conducted by:

- The police (for potential criminal offences)
- Children's social services, and/or
- The school

Or whether some other action is appropriate, for example the provision of training to relevant staff.

Supporting those involved

Children's social services and the LADO will advise the school on appropriate support for the child and their family.

The school also has a duty of care to staff. If the school participates in an employee assistance programme or counselling scheme, details should be provided to all staff involved. All those involved should be advised of the need to maintain confidentiality.

The individual facing allegations must be informed of the allegations and be told what action will be taken. The individual should be kept up to date with progress by the head teacher or appointed officer. They should be advised to contact their trade union representative or staff side secretary, or an independent colleague, for support. The individual may wish to speak with their GP and/or a referral to the school's occupational health adviser may be appropriate in some circumstances.

Suspension from work

Suspension should not be the default position when an allegation is made; an individual should be suspended only if there is no reasonable alternative. Community schools must consult with the local authority, through the human resources team, before instituting a suspension. Other schools are strongly recommended to take advice from their human resources advisers.

Suspension may only be authorised by the head teacher after consultation with the chair of the governing body and a suspension may only be ended with the agreement of the governing body. The chair of the governing body should be given only the outline of the allegation in case they are required to attend a formal hearing under other procedures at a later date.

Suspension is a neutral act, with the purpose of protecting the individuals concerned and/or any investigation process.

Alternatives to suspension could include a move to alternative duties, a move to a different location, increasing supervision, or moving the child/children to another class. Suspension will always be considered if:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants a police investigation
- The allegation amounts to potential gross misconduct or some other substantial reason serious enough to be grounds for dismissal
- Or if there is a statutory restriction imposed, for example a barring order.

Any suspension must be confirmed in writing.

Formal school investigations

Where there is sufficient evidence to warrant an investigation into allegations of potential

misconduct or gross misconduct, the investigation will be undertaken in accordance with the school's disciplinary code or probation procedure as appropriate. The school's [human resources advisers](#) can provide advice and guidance on the conduct of such investigations.

Where a criminal investigation is also being undertaken, the school will liaise with the police regarding the timing of any disciplinary or probationary investigation to avoid any potential conflict with either investigation.

Occasionally it may be more appropriate to follow the school's unsatisfactory performance or capability procedure and the school's [human resources advisers](#) can also provide advice and guidance on this process.

Referrals to the Disclosure and Barring Service (DBS) or National College for Teaching and Leadership (NCTL)

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.

If the allegation is substantiated and the individual is dismissed or the school ceases to use the individual's services, or the individual resigns or otherwise ceases to provide his or her services, the school must decide whether a referral to the DBS is required, for consideration of inclusion on the barred lists.

In the case of teachers the school must also decide whether to refer the matter to the NCTL for consideration of a prohibition from teaching.

Separate guidance is available to schools on [making a referral](#).

Returning to work after an allegation

Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school should also consider how the individual's contact with the child or children who made the allegation can best be managed if they are still a pupil.

Confidentiality

It is vital that information about allegations is shared on a need to know basis only. If the parents are not already aware of the allegation advice should be sought from the LADO as to who should contact them. Members of staff in the school that are aware of the allegation should be told that the matter is confidential and should not be discussed.

If at any time it appears that information relating to the allegation is in the public domain, or at risk of being disclosed, the school should notify the authority's press office immediately.

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