



# Procedures for Managing Child Protection Allegations / Concerns Against Staff



Approved by Governors on: 23.10.23

Signed Chair of Governors:

A handwritten signature in black ink, appearing to be 'A. P. Hill', written over a white background.

Headteacher: Elizabeth Hopewell

Date of next Review: September 2024

## Vision Statement

We aim to create a safe, happy and nurturing environment for all our children!

## Mission Statement

The Orchard School strives to provide the best quality teaching and learning with an inclusive and personalised curriculum, where all achievements are celebrated.

## **1. Introduction**

The Orchard School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This document outlines the procedures to be followed by all staff and volunteers who receive an allegation or witness something which gives rise to a concern in relation to a member of staff, a volunteer, or other trusted adult. This document is in line with legislation and statutory guidance and should be read in conjunction with the School Safeguarding Policy 2023.

Staff, parents and governors are reminded that publication of material that may lead to the identification of a teacher who is the subject of an allegation is prohibited by law. Publication includes verbal conversations or writing, including content placed on social media sites.

## **2. Action to be taken by a member of staff who has a concern or hears an allegation**

The allegation could be about physical, sexual, emotional, online abuse and neglect. The allegation can be recent and/or historical.

Staff must immediately inform the Head Teacher or in their absence the Deputy Head Teacher of any concerns or allegations. They must not attempt to investigate the allegation but should provide a full written account of what they have seen or been told regarding the incident, using the child's own words where possible. This account should be dated and signed. The child should not be questioned in detail or requested to write anything down as this may compromise any subsequent police action.

If the concern/allegation is against the Head Teacher, staff should inform the Chair of Governors.

These procedures apply to all cases where it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child,
- Possibly committed a criminal offence against or related to a child,
- Behaved towards the child(ren) in a way that indicates he or she would pose a risk of harm to them.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

They apply regardless of whether the alleged abuse took place in the school. Allegations against a staff member or volunteer who is no longer working in the school and historical allegations of abuse will be referred to the police.

## **3. Initial Action to be taken by Head Teacher/Senior Leadership Team**

The Head Teacher, or member of the Senior Leadership Team acting on their behalf, should make enquiries to determine whether the allegation may be true. The enquiries at this stage should be by way of a fact-finding investigation in order to establish the facts of the allegation and obtain sufficient information to enable further consultation with the HR Provider, Local Authority Designated Officer (LADO) or a referral to MASH.

The Head Teacher, or those acting on their behalf, must not interview the child, the member of staff or other potential witnesses at this stage.

Following confirmation that there was the potential for the incident to have occurred, the Head Teacher as appropriate should:

- Seek advice/consult with the HR Provider and LADO
- Ask for a written account from the member of staff reporting the allegation, countersign, and date the written account of the person reporting the allegation.
- Record any information about times, dates, location and names of potential witnesses.

## 4. Next actions

The Head Teacher or Deputy Head Teacher, with the advice given by HR and the LADO, must consider the allegation and determine the appropriate way forward.

If there is any possibility that police or multi-agency involvement might be appropriate, either because the alleged behaviour might constitute a criminal offence or might raise issues of the safety or welfare of children, the Head Teacher must consult the HR providers or the LADO and MASH without delay. Where appropriate, the initial discussion and assessment will be followed by a multi-agency strategy discussion.

### **There are four possible options:**

(a) An immediate referral to MASH under the local Child Protection Procedures.

(b) Further local enquiries to be made to gather more information/clarification.

(c) The allegation may have been prompted by inappropriate behaviour by the member of staff but child protection thresholds are not met. In this case there may be a need for further investigation and possible consideration, in conjunction with the HR Provider, under The Orchard School disciplinary procedures.

(d) The allegation was false or unfounded. This will include allegations which relate to the use of reasonable force to restrain a pupil. This decision and the justification for it should be recorded and agreement should be reached with the LADO and HR about what information should be put in writing to the accused individual and by whom. It should also be decided what action should follow both in respect of the individual and those who made the initial allegation.

### **Defensible decision making**

The responsibility to carry out basic enquires into an allegation lies with the Head teacher or Chair of Governors, to decide not to refer to Children's services and/or the LADO, you need to ensure to record your rationale and reasons why not to refer and the actions you have carried out in respect of the employee and/or child concerned, should the school be challenged on their decision making.

The issue of whether suspension is appropriate should be considered at this stage.

It is appropriate at this stage to inform the accused individual of the concerns or allegations and likely course of action. Where the police and/or children's social care services are involved, we will only share such information with the individual as has been agreed with those agencies.

## 5. What will happen if there is a substantiated allegation against a member of staff?

The Head teacher will inform the individual that safeguarding issues have been raised. The Head teacher with the support and guidance of Human Resources, will need to carry out several actions; some of these actions may include:

1. Back room duties/Restricted duties
2. Refrain from work
3. Suspended without prejudice.

The purpose of these actions is to enable the completion of investigations/enquiries; the above process safeguards the individual and safeguards the children. There will be times that the Head Teacher will not inform the individual that an allegation has been made, this will be done in consultation with the LADO. Some of the reasons for not informing individual of the allegation are possibly due to a personal tragedy, trauma, and health related issues and so forth that they may be experiencing at that time. Sometimes more

in-depth enquiries need to be done to determine the actual allegation. If this is the case, the Head Teacher will aim to inform the individual of the POT meeting soon after the first meeting taking place.

Lead agencies will come together under the LADO processes and procedures where the allegations will be managed. Each agency will have roles and responsibilities in the investigative process. The LADO will chair the Position of Trust meeting and will coordinate the actions of all agencies involved. The LADO will provide challenge and scrutiny in respect of the practices of other agencies when necessary.

## **6. Staff safety & wellbeing**

Suspension will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

### **Support for a suspended individual**

Any member of staff who is subject to an allegation and subsequently suspended should be encouraged to seek advice and support at the earliest opportunity from their professional association and / or trade union. They should also be given access to welfare counselling. A 24hr Counselling services is available on 01773 814400

Staff should ask for the following as a minimum from school:

- Union Representative – if they are a member.
- Independent support person from the employing/volunteering agency – i.e. someone who has no role in the management of the allegation either in relation to the individual or for the child(ren) who made the allegation.
- A senior member of staff should be designated to communicate with the individual (including the support person) if they have refrained from work or been suspended.
- The individual will be told of the date and time of the Position of Trust meeting – they cannot attend this meeting as this is a closed and confidential meeting in relation to the information provided above.

The senior member of staff managing issues surrounding a Position of Trust should be at a management level and is able to make decisions in respect of the school.

The person dealing with the individual should not be the same person dealing with child(ren) who has made the allegation(s).

The subject of the allegation should:

- Not contact the child and/or their parents.
- Not put anything on social media that could compromise your present situation.
- Remain professional at all times.
- Be honest and open at all times.
- Do exactly what the Police and/or school have requested.
- Not contact the LADO – the school will keep them informed.

## **7. Further actions – the child and their parents.**

- We will inform parents / carers of the child(ren) involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable).
- The Head Teacher will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against a staff member (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed will be advised to seek legal advice.

- We will keep parents / carers of the child/children involved informed of the progress of the case and the outcome,(where there is not a criminal investigation ongoing), including the outcome of any disciplinary process (in confidence).
- We will make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.
- If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.
- Where the police are involved, wherever possible the governing body will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.
- On conclusion of a case where the allegation is substantiated if the individual concerned is a member of teaching staff, the Head Teacher will discuss with the LADO and HR whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

## **8. Concerns that do not meet the harm threshold (NB: See Low Level Concerns Policy for details)**

Where the harm threshold has not been met (see section 2 above) but there are 'low level' concerns It is crucial that these concerns are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

A low-level concern is any concern that an adult has acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- does not meet the allegations threshold or is not considered serious enough to refer to the local authority designated officer (LADO).

Examples of low-level concerns could include:

- being over friendly with children
- having favorites
- taking photographs of children on their mobile phone
- engaging with a child one-to-one in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

### **Reporting low level concerns**

Low-level concerns about a member of staff should be referred to the headteacher. If there are concerns about the headteacher these concerns should be referred to the chair of governors. Staff are encouraged to feel confident to self-refer if they have found themselves in a situation which might be misinterpreted, or they have behaved in a way that falls below professional standards.

### **Recording low level concerns**

All low-level concerns should be recorded in writing. Records should include the details of the concern, how the concern arose, the actions taken and the name of the person reporting their concerns. These records will be retained, and reviewed by the headteacher so that patterns of concerning behaviour can be recognised and appropriate action can be taken.

## **9. Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week.
- If the case requires referral to the LADO and MASH we will refer within 24 hours.
- Following this the initial POT meeting should be within 5-7 working days
- POT reviews after this are at 1 month, 6 weeks; 3 months and 6 months thereafter.
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

## 10. Confidentiality

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/child involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.

## 11. Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

Such records will include:

- A clear and comprehensive summary of the allegation.
- Details of how the allegation was followed up and resolved.
- Notes of any action taken, and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

## 12. Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

### **13. Related Policies**

- Safeguarding Policy
- Low Level Concerns Policy
- Staff code of Conduct
- Disciplinary Policy
- Whistle Blowing Policy
- Health and Safety Policy
- Behaviour Policy
- Physical intervention Policy
- Safe touch Protocol

#### **Governor details if the allegation is about the Head Teacher**

Chair of Governors: Helen Grindulis - Contact number: 0121 569 7040

Vice Chair of Governors: Pat Evans - Contact number: 0121 569 7040

#### **The LADO referral form is on the Virtual Office Safeguarding section**

**Local Authority Designated Officer (LADO) is Michelle Pinnock-Ouma**

**0121 569 4770**

**07795 911293**

**sandwell\_lado@sandwellchildrenstrust.org**