



St Mary Abbots Church of  
England Primary School

# **Allegations Policy**

## **(Procedure for managing concerns about adults who work with children)**

Procedure for managing concerns about adults who work  
with children

## Introduction and Purpose

Despite all efforts to recruit safely, there will be occasions when allegations of abuse against children are raised, or where concerns arise about the conduct of an adult working with children.

This policy complies with Working Together 2013, The London Child Protection Procedures 2014 and Keeping Children Safe in Education 2018 in addition to the Education Act.

It is important that all staff know how to recognise and report concerns: this policy should be read in conjunction with the Whistle Blowing Policy and Guidance on Safe Working Practice.

### When this Policy should be used

This policy is used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:-

- Behaved in a way that has harmed a child, or may have harmed a child (see Safeguarding & Child Protection Policy for definition of harm);
- Possibly committed a criminal offence against or related to a child:  
Or,
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

These behaviours 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, 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/pseudo-photographs of children.

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to the child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting or discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

### **How allegations will be managed**

If you have a concern about any adult who works with children, this must be reported immediately to –

The Designated Senior Lead – Mrs Nicola Doyle (Headteacher) or in her absence,

The Deputy Lead – Miss Sally Keck (Deputy Headteacher).

Or if the allegation is against the Headteacher, please contact the Chairman of Governors c/o The School.

You are reminded -

- NOT to investigate or ask leading questions
- NOT to make assumptions or offer alternative explanations for action
- Promise confidentiality to the victim – but do offer assurance that information will only be shared on a need to know basis.

Nicola Doyle (Headteacher) and/or Sally Keck (Deputy Headteacher) will seek advice from the Local Authority Designated Officer (LADO), the Police and or Children's Social Care about how much information should be disclosed to the accused person who, subject to any restrictions imposed,

be informed of the nature of the allegation and how enquiries will be conducted and the possible outcome.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO immediately.

## **Contacts**

The Local Authority Designated Officer (LADO) for Westminster, Hammersmith & Fulham, Kensington & Chelsea is –

Kembra Healy 0208 753 5125 [kembra.Healy@lbhf.gov.uk](mailto:kembra.Healy@lbhf.gov.uk)

## **Initial consideration by the Designated Senior Lead and the LADO**

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Social Care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action.

The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigation process. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The accused member of staff will be treated fairly and honestly and helped to understand the concerns expressed and the processes involved. S/he will be kept informed of the progress of the investigation and the implications of any disciplinary or related process.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their Union or professional association. Human resources (HR) should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and

employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action.

The allegation will be discussed at a professional strategy meeting where it will be decided what the course of the investigation should be and who should carry it out.

### **Conclusion of the investigation**

At the conclusion of the investigation, a final professional strategy meeting will determine the outcome taking the following definitions into account.

- 1. *Substantiated:*** there is sufficient identifiable evidence to prove the allegation;
- 2. *False:*** there is sufficient evidence to disprove the allegation;
- 3. *Malicious:*** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- 4. *Unfounded:*** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
- 5. *Unsubstantiated:*** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore, does not imply guilt or innocence.

### **Record Keeping**

The school will keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept until the person reaches normal retirement age or for ten years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this

sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to know about to safeguard future children.

### **Referral to the Regulatory Body**

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the **Disclosure and Barring Service (DBS)** and other regulatory bodies.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person, (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, and manage related disciplinary or suitable processes.

Section 13 of the Education Act 2011, introduces new restrictions implemented in September 2012, on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of –

- a. The person who is the subject of the allegation, and
- b. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, Independent Schools and all types of maintained schools.

There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

## **Contacts**

The Local Authority Designated Officer (LADO) for Westminster, Hammersmith and Fulham and Kensington & Chelsea is –

Kembra Healy 0208 753 5125 [kembra.Healy@lbhf.gov.uk](mailto:kembra.Healy@lbhf.gov.uk)

## **Further Information**

- [http://www.londoncp.co.uk/consultation/alleg\\_staff.html#record](http://www.londoncp.co.uk/consultation/alleg_staff.html#record)
- **Guidance for Safe Working Practice for Adults who work with children and Young People and Guidance for safer Working Practice for Adults who work with Children and Young People in Education Settings. (March 2009)**

Produced by Nicola Doyle September 2018