



**The
Blyth
Academy**

Allegations of Abuse Against Staff Policy

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

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Author:
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Other relevant policies e.g. Child Protection, Whistle Blowing, Health & Safety, Behaviour, Disciplinary Policies. The Governors of The Blyth Academy have adopted in their entirety the procedures and practice guidance laid down by the Northumberland Safeguarding Children Board. Appendix I: Summary of what to do if allegations are made against staff is available for all staff on the Safeguarding notice board and on the staff intranet.

We are committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

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Northumberland Safeguarding Children's Board Procedures and Practice Guidance

ALLEGED ABUSE BY STAFF MEMBERS

INTRODUCTION

All allegations or suspicions of abuse of children in Northumberland, or of conduct raising concerns about the suitability of an individual to work with children, by a professional, staff member, foster carer or volunteer should be taken seriously and treated in accordance with these procedures. All organisations that provide services for children must have a procedure for handling such allegations, which is consistent with these procedures.

These procedures apply to allegations or suspicions of abuse, or concerns about suitability to work with children and young people arising from within or outside their professional role. They apply to members of staff, carers, or volunteers across the child care workforce (henceforth referred to as "staff" for the purposes of this procedure). In the case of the reporting of historical abuse the principles of these procedures apply; and the allegation should be immediately referred to the Local Authority Designated Officer in Children's Services in order for the information to be considered.

These procedures should be used in respect of all cases in which it is alleged or suspected that a member of staff, carer 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;
- or behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

An allegation or suspicion of abuse of a child by a member of staff will potentially start three different strands of enquiry:

- enquiries and assessment by Children's Services under the inter-agency procedures, which are now revised in the context of ' *Working Together to Safeguard Children* ' (2006);
- a Police investigation of a possible criminal offence;
- investigation under the relevant organisational procedures eg disciplinary procedures, within which the possibility of suspension would need to be considered

All agencies and organisations should ensure that policies and procedures are in place for dealing with allegations or suspicions against staff and that their procedures are compatible with these procedures, ' *Working Together to Safeguard Children* '. It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of enquiry. All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.

Referral to Local Authority Designated Officer (LADO)

All allegations or suspicions against staff must be reported to the responsible Senior Manager within the organization whose responsibility it will be to ensure that both single agency procedures and *Working Together to Safeguard Children* procedures are adhered to within the agreed timescales. All allegations or suspicions against staff must also be reported by the responsible person to the Local Authority Designated Officer (LADO) who is responsible for the oversight and monitoring of all such cases. The LADO for Northumberland is the Safeguarding Strategic Manager, based in the Children's Services Safeguarding Unit

It is essential that, in all cases of allegations or suspicions against staff members, the responsible Senior Manager and the LADO work together to ensure that appropriate and timely decisions are made whilst maintaining independence. Referral to the LADO must be made within a maximum of 2 working days from receipt of the information.

Initial Considerations

The purpose of this initial consideration is to decide whether the suspicion or allegation is within the scope of these procedures. If it is considered that the suspicion or allegation is not within the scope of these procedures but a Police investigation may be needed the Local Authority designated officer must liaise with the Police designated officer, the employer and any other agencies involved with the child to evaluate the concerns and decide how to proceed with the investigation.

If, following consultation, it is decided that the suspicion or allegation is neither within the scope of these procedures nor a Police investigation needed, the Local Authority designated officer will liaise with the employer and advise on the next steps for the employer under his/her single agency procedures.

Strategy Meeting

Following the receipt of an allegation or suspicion of abuse by a staff member a Strategy Discussion/Meeting will be convened within 3 working days. The meeting should be Chaired by the LADO/Strategic Safeguarding Manager or one of the Reviewing Officers within the Safeguarding Unit. The Strategy Meeting should include:

- senior Officer from the Police PPU
- responsible manager from the appropriate department/agency; in the case of academies this would usually be the Principal, or the chair of governors if the concerns relate to the Principal.
- personnel Officer/HR rep as appropriate.

The Strategy Meeting will consider the allegations or suspicions, sharing relevant information and agreeing recommendations relating to the process of investigation/assessment with specific reference to:

- whether a criminal investigation is appropriate, and if so how any disciplinary investigation would then be managed
- whether joint enquiries under Section 47 of the Children Act 1989 are required, or assessments under section 17
- whether the member of staff should be suspended from duty, and any other measures required within personnel/staffing procedures

In cases where normal organisational disciplinary procedures do not apply, e.g. to agency workers, volunteers or independent coaches to consider acting jointly with the employing or responsible organisation so that they are involved in the enquiry process and can make an informed decision about whether to continue to use the person's services or to report the person to their professional body;

what support the child/ren involved may need;

- if the allegation is around the use of physical force or restraint the meeting must take into account the relevant national and local guidance
- agreeing how parents or carers are to be informed of the allegation or suspicion and who will be responsible for informing and supporting the parents or carers throughout the process including informing them of any outcomes from enquiries;
- who in the employing department/agency will be responsible for keeping the subject of the allegations informed of the progress of the case and offer support to him/her and how this will be effectively coordinated with the different strands of enquiry;
- whether any other children may have been affected directly or indirectly, what action and support is required and whether it is necessary to follow procedures on organised or complex abuse
- set a review date within four weeks to ensure that the enquiry is concluded as soon as possible.

Information Sharing

In a Strategy Discussion all agencies concerned should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.

Wherever possible, Northumbria Police and Children's Services, during the course of their enquiries, should obtain consent from the individuals concerned to share relevant information such as the statements or evidence they obtain with the employing department/agency for disciplinary purposes. Consent should be gained as their investigation proceeds rather than after it is concluded to allow sharing of relevant information without delay at the conclusion of their investigation or any court case. Refusal of consent does not mean that the investigation will not proceed.

Confidentiality

Every effort should be made to maintain confidentiality and guard against unwanted publicity during the process of enquiry into an allegation. The Police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

Record Keeping

It is essential that all agencies/departments hold accurate information on the person's confidential personnel file for future reference. Thus, it is important that all records of the enquiry, including minutes of the Strategy Meeting and notes of any action taken are provided promptly to the employing/responsible agency.

Timescales

Every effort should be made to resolve cases as quickly as possible, consistent with a fair and thorough investigation. It is important that timescales are in keeping with normal child protection procedures and in keeping with guidance on allegations against staff as indicated within "Working Together to Safeguard Children" 2006 (Appendix 5) and also within "Safeguarding Children and Safer Recruitment in Education" 2007 (Chapter 5). In summary the recommended timescales are as follows:

Referral to LADO:	1 working day
Strategy Meeting/Discussion:	3 working days (from referral)
Management Action (if no investigation):	3 working days from strategy discussion 10 working days
Disciplinary investigation (if needed): Decision following investigation: If disciplinary hearing required: Police investigation: review progress:	2 working days 15 working days no later than 4 weeks 4 weekly intervals
Review/Monitoring by LADO:	

Resignations and 'Compromise Agreements'

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children.

Wherever possible a person tendering his or her resignation or a refusal to cooperate must not prevent an allegation being followed up in accordance with these procedures. By the same token a so-called 'compromise agreement' whereby the person agrees to resign and the employing organisation agrees not to pursue disciplinary action, must not be used in these cases.

Action following a Criminal Investigation or a Prosecution

The Police must keep the Senior Manager and the LADO informed of the progress of criminal investigation and any subsequent trial in order to ensure those conducting the enquiries have the most up to date, relevant information.

Action on Conclusion of a Case

If the allegation is substantiated and the person is dismissed or the employing department or academy ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether it is required or advisable to make a referral to the Independent Safeguarding Authority (which will take on the function of the POCA list and the DfES list 99), and/or the relevant professional or regulatory bodies, (if this has not already taken place). The employer is responsible for making such a referral or ensuring the appropriate body makes the referral.

In cases where it is decided on the conclusion of the enquiries that a person who has been suspended can return to work the responsible Senior Manager, and Personnel/HR adviser must determine how best to facilitate this. They must also consider how the person's contact with the child or children who made the allegation can best be managed if they are still to have contact.

If an allegation is determined to be unfounded the LADO, with the employer, should consider a referral to children's Social Care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

Learning Lessons

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

ALLEGATIONS PROCESS/Role of LADO

Stage in Process	Action	Timescales
REFERRAL TO LADO/ INITIAL CONSIDERATION	▶ Discussion with LADO	
	▶ Is there alleged abuse?	1 — 2 Working Days
	▶ Is there an issue re: suitability?	
STRATEGY DISCUSSION/ MEETING	▶ Share information with Police/Others	
	▶ Plan investigation	3 Working Days
	▶ Consider suspension	
INVESTIGATION	▶ Police/Joint Police Children's Services	Review in 4 weeks
	▶ Disciplinary Management	10 Working Days
	▶ Complaint	4 weeks
REVIEW/UPDATE	▶ Review meetings/update with LADO	Review in 4 weeks
FINDINGS/ CONCLUSIONS	▶ Criminal Trial	Determine by CPS/Courts
	▶ Disciplinary Hearing	15 Working days
	▶ Management Action	15 Working days
	▶ NFA	
FOLLOW UP	▶ Links with ISA/Professional bodies	
	▶ Correspondence, etc.	
	▶ Review lessons learnt	

APPENDIX I

ALLEGATIONS AGAINST STAFF PROCEDURES

These procedures should be used in respect of all cases in which it is alleged or suspected that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child or
- possibly committed a criminal offence against or related to a child or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

This includes any allegations around staff assaulting a student.

As soon as any allegation is made, a member of staff must immediately inform the Principal*.

No investigation should be pursued and no contact should be made regarding the matter with any other person unless an instruction is given by the Principal*.

*In the absence of the Principal, this refers to the Deputy Head.

All agencies and organisations should ensure that policies and procedures are in place for dealing with allegations or suspicions against staff and that their procedures are compatible with these procedures, *'Working Together to Safeguard Children'*. It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of enquiry. All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.

<p>Satisfactory (3)</p>	<p>Provision is inadequate in no major respect and may be good in some respects. The academy meets NMS overall. Boarders are cared for, safe and properly supervised. All safeguarding regulations and duties are met and child protection procedures are clear and effective. There may be minor shortfalls or inconsistencies in provision but these do not significantly affect the safety and wellbeing of boarders. The provision for personal development is at least satisfactory. There is satisfactory provision for educational and recreational activities, including at evenings and weekends and adequate privacy and space for boarders. Communications and consultation with parents, staff and boarders are adequate.</p>
<p>Inadequate (4)</p>	<p> <ul style="list-style-type: none"> ■ The academy fails to meet NMS in one or more major respects. <p>or</p> <ul style="list-style-type: none"> ■ Leaders and managers have failed to ensure that the academy meets boarders' needs in relation to their welfare, safety and personal development and boarding does little to enhance boarders' lives. </p>

All recommendations, including national minimum standards that have not been met in relation to boarding provision, must be recorded in 'recommendations and requirements'.