

# UTC South Durham Allegations against Staff Policy



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<b>Approved by</b>	Governing Body
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<b>Signed:</b> (Chair of Governors)	<b>Date:</b> 1 June 2018

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<b>Responsibility</b>	Principal

## 1. Introduction

At UTC South Durham, the welfare of staff and students is paramount and we recognise our responsibilities to safeguard all members of our college community. We intend to:

- establish a safe environment in which students can learn and develop
- ensure students know that there are adults in the UTC whom they can approach if they are worried.

This document outlines the UTC's policy and procedure for handling allegations of abuse against staff.

In order that abuse by staff should be prevented or readily discovered, it is essential that students and staff are encouraged to report their concerns to the appropriate persons. Those in authority should deal with concerns raised with them by children or staff speedily and ensure that appropriate referrals are made in accordance with these Procedures. Individual members of staff having concern about child abuse have a personal responsibility to pursue the matter within the UTC if they feel that inappropriate or insufficient action has been taken.

These procedures draw on:

- Guidance published by Durham Local Safeguarding Children Board (Durham LSCB) which is available on their website: <http://www.durham-lscb.org.uk>
- The DfE statutory guidance 'Dealing with Allegations of Abuse Against Teachers and Other Staff', 2012.
- 'Keeping Children Safe in Education', September 2018

In the procedures outlined in this document, reference to the 'employer' and the 'employing agency' refers to UTC South Durham.

The agency with lead responsibility for Safeguarding Children and child protection is Durham County Council through the Children & Adult Services (Children's Care) – referred to as Children's Safeguarding in this policy document. They can be contacted through the First Contact Service, phone: 03000 267979, email: [firstcontact-gcsx@durham.gcsx.gov.uk](mailto:firstcontact-gcsx@durham.gcsx.gov.uk).

## 2. The Local Authority Designated Officer (LADO)

With regard to any investigation or advice a key point of reference is **the Local Authority Designated Officer (LADO)**. The LADO is appointed by the Local Authority to manage and oversee allegations against adults who work with children. The LADO provides advice and guidance to employers/voluntary organisations; liaises with the Police and other agencies and ensures that all allegations or concerns about professionals or adults working/volunteering with children are recorded appropriately, monitored and progressed in a timely and confidential way. The LADO will be contacted by the Designated Safeguarding Lead when a person who works with children has behaved in a way that has harmed, 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 that s/he would pose a risk of harm if they work regularly or closely with children.

**The Local Authority Designated Officer (LADO) for Durham** can be contacted by email [lado-gcsx@durham.gcsx.gov.uk](mailto:lado-gcsx@durham.gcsx.gov.uk) or phone 03000 268835

## 3. When the procedures apply

These procedures apply to situations:

- Where there are suspicions or allegations of abuse by a person who works with children in either a paid or unpaid capacity i.e. any employee, foster carer, child minder or volunteer;
- When it is discovered that an individual known to have been involved previously in child abuse, is or has been working with children; and
- When the allegation or suspicion arises in connection with the individual's work, her/his own children or in relation to other children;
- If a teacher or other member of staff (including volunteers) has behaved towards a child or children in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children.

The UTC has the need, and in some circumstances, the duty to refer to the Disclosure and Barring Service where an employee or volunteer is considered to have harmed or pose a risk to children or vulnerable adults.

Where abuse by a member of staff is alleged or suspected, the action to be taken would be the same as with any other alleged or suspected abuse. In the first instance, staff or students should make their concerns known to the designated Child Protection staff within the UTC. They will contact the LADO, as soon as possible and **within one working day** to inform them of any concerns and agree the necessary action i.e. contacting the Children's Safeguarding Duty Social Worker or Out of Hours Service or the Police must be informed immediately and other agencies involved as appropriate. In such circumstances, the need for the fullest possible co-operation with the investigation, the allegations or suspicions is of great importance, and those with responsibility for the home, UTC or organisation should ensure that this is provided.

There are potentially three strands to the investigation of abuse of children by professional staff:

- Consideration will be given to undertaking a Section 47 Enquiry, which will be undertaken in accordance with those procedures, including an Initial Child Protection Conference where appropriate and decisions taken on the action necessary to ensure the protection of the child;
- A Police investigation may be necessary to ascertain whether a crime has been committed;
- The employer's disciplinary procedures may be invoked to ascertain whether there has been misconduct or gross misconduct on the part of the staff member.

The investigation of allegations or suspicions of abuse by professional staff is particularly complex. This is due to the need to maintain the integrity of the investigation process, whilst being sensitive to the needs of managers of the establishment concerned with day-to-day management of the organisation.

Those responsible for managing the process of the investigation will have as their primary focus, the need to act in the child's best interests. This may, on occasion, mean that the managers of the establishments concerned will not initially be fully aware of the extent or the complete nature of the allegations. The withholding of information during the investigation stage should only occur under the following circumstances:

- When disclosure may act against the interests of the child;
- When disclosure may lead to a lessening of evidence.

In any case not covered by the scope of these procedures, planning should take place between a Senior Manager in Children's Safeguarding (Safeguarding and Quality Assurance Unit Manager or other equivalent third tier manager) and the Detective Inspector for Child Protection, with the involvement of a Public Protection representative where applicable. Legal advice should be sought, where necessary, in relation to matters of disclosure. Where a member of staff is identified in allegations, the UTC, following discussion with the appropriate authorities, will take appropriate action which may include the suspension of the member of staff during the investigation process. In this case, the UTC will appoint an identified member of staff who will act as a point of contact and support.

## **4. Implementation**

### **4.1 Allegations about staff in their work**

An allegation may require consideration from any of the following four inter-related perspectives:

- Safeguarding/Child Protection;
- Criminal investigation;
- Staff disciplinary procedures;
- Complaint procedures.

These procedures deal with Child Protection Enquiries and any associated criminal investigation as distinct from complaints of poor practice and disciplinary procedures, though exploration of the latter may reveal abuse and/or neglect.

This section applies to allegations of abuse or neglect by individuals in their working role - see also the section below: Allegations about Staff in their Personal Lives.

The UTC must ensure that allegations are investigated and that any justifiable action is taken to ensure that the service is safe for children and young people to use.

Information about an allegation must be restricted to those who have a need to know in order to:

- Protect children, (including the Family Court, where appropriate);
- Facilitate enquiries;
- Manage disciplinary/complaints aspects;
- Protect any rights of the alleged perpetrator.

### **4.2 Initial response to recognition of concern/allegation**

Recognition of concern or an allegation may arise from a number of sources e.g. a report from a child or an adult within an establishment, a complaint or information arising from a disciplinary investigation.

When a member of staff is suspicious of the actions of a colleague or receives allegations of abuse concerning a colleague, they must report this in accordance with this procedure. If that person is implicated in the allegation, the concern should be immediately passed on to the Designated Safeguarding Lead in the UTC and in either case a record of the report which is timed, dated and includes a clear name or signature must be made. The recipient of an allegation should not determine its validity and failure to report it in accordance with procedures should be a potential disciplinary matter.

The Designated/Named Person for the UTC will be able to advise staff and managers if the concerns constitute sufficient grounds for the initiation of Child Protection procedures. Children's Safeguarding or Police Child Protection Unit (CPU) may be consulted for advice. During such consultations:

- Any matter(s) that may constitute an allegation of crime must be reported to the Police CPU;
- Consideration should be given to the suspension of the person(s) against whom the allegation has been made, pending the outcome of the enquiry;
- Consideration should be given to the need for protective action in relation to children in the care of the alleged perpetrator(s).

Any member of staff who believes that allegations or suspicions, which have been reported to the line manager, are not being investigated properly has a responsibility to report it to a higher level in the UTC or the Designated/Named Person for Child Protection.

If, for any reason, there are difficulties with following the above procedure, the UTC's whistle blowing procedure should be considered or a referral made directly to Children's Safeguarding or the Police CPU.

The need for consultation must not delay a referral to Children's Safeguarding. If issues arise out of hours, the relevant Social Worker must consult with the out of hour's duty manager and refer to the Duty Inspector.

#### **4.3 Restrictions on identifying teachers against whom allegations of criminal misconduct have been made**

With effect from 1 October 2012, the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a student from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence.

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

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

Note that this provision applies only to teachers, not to other staff in educational establishments.

## **5. Procedures for managing allegations against people who work with children**

### **5.1 Scope**

The framework for managing cases set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is

likely to suffer, Significant Harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with children has:

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

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

- A Police investigation of a possible criminal offence;
- Enquiries and assessment by Children's Safeguarding about whether a child is in need of protection or in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

## **5.2 Supporting those involved**

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. This includes the outcome of any disciplinary process. Note: the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but those concerned should be told the outcome.

In cases where a child may have suffered Significant Harm, or there may be a criminal prosecution, Children's Safeguarding or the Police, as appropriate, should consider what support the child or children involved may need.

UTC has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Principal has spoken to the chair of Trustees.

The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation. A named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the school should consider what might be appropriate to best accommodate this such as occupational health or other welfare arrangements. If it is a criminal investigation and the police are involved, they may provide this additional support. This may come from professional bodies or a Union.

Where a joint investigation is conducted by the Police and Children's Safeguarding, those interviewed should be aware that copies of their statement or complaint will be available to each of the agencies involved.

## **5.3 Confidentiality**

It is in everyone's best interest to maintain confidentiality to ensure a fair investigation with minimum impact on those concerned. Therefore every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. In accordance with ACPO guidance, the Police do 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. (In exceptional cases, where the Police might depart from that rule - e.g. an appeal to trace a suspect - the reasons should be documented and partner agencies consulted beforehand.) The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

#### **5.4 Resignations and 'Compromise Agreements'**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. 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, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence, and reaching a judgment about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if that cannot be done or the person does not co-operate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token, so-called 'compromise agreements' - by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference - must not be used in these cases. In any event, such an agreement will not prevent a thorough Police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Disclosure and Barring Service where circumstances require that.

#### **5.5 Record-keeping**

It is important that the UTC keeps a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached. These should be kept in a person's confidential personnel file, which may be electronic or paper based and a copy should be given to the individual. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS Disclosure reveals information from the Police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Details of allegations that are found to be malicious should be removed from personnel records and destroyed within two weeks of the close of the case.

#### **5.6 Timescales**

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions in the

summary description of the process. These are not performance indicators: the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, but they provide useful targets to aim for that are achievable in many cases.

## **5.7 Oversight and monitoring**

Durham LSCB member organisations and Police should each have officers who fill the roles described at the beginning of this procedure.

Other employers' procedures should identify a senior manager within the organisation to whom allegations or concerns that a member of staff or volunteer may have abused a child should be reported. Procedures should make sure that all staff and volunteers know whom the Designated Safeguarding Lead is. The procedures should also identify an alternative person to whom reports should be made in the absence of the named senior manager or in cases where that person is the subject of the allegation or concern. The procedures should include contact details for the Children's Services Safeguarding designated officer responsible for providing advice and liaison and monitoring the progress of cases, to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.

## **5.8 Initial considerations**

Procedures need to be applied with common sense and judgment. Some allegations are so serious as to require immediate referral to Children's Safeguarding and the Police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a Police investigation or enquiries by Children's Safeguarding. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned. Consequently, the Local Authority Designated Officer (LADO) should be informed of all allegations that come to the employer's attention and appear to meet the criteria in section 3, so that s/he can consult Police and social care colleagues as appropriate. The LADO should also be informed of any allegations that are made directly to the Police (which should be communicated via the Police force's designated officer) or to Children's Safeguarding.

The LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures (section 3) and may have some foundation. If the parents/carers of the child concerned are not already aware of the allegation, or if the allegation relates to a member of the child's family, the LADO will also discuss how and by whom they should be informed. In circumstances in which the Police or Children's Safeguarding may need to be involved, the LADO should consult those colleagues about how best to inform parents. However, in some circumstances an employer may need to advise parents of an incident involving their child straight away - e.g. if the child has been injured while in the organisation's care and requires medical treatment.

The employer should inform the person against whom the allegation has been made about the allegation as soon as possible after consulting the Local Authority Designated Officer (LADO). However, where a Strategy Discussion is needed, or it is clear that Police or Children's Safeguarding may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation.

If there is cause to suspect a child is suffering, or is likely to suffer, Significant Harm, a Strategy Discussion should be convened. Note: in these cases the Strategy Discussion

should include a representative of the employer (unless there are good reasons not to do that) and should take account of any information the employer can provide about the circumstances or context of the allegation.

In cases where a formal Strategy Discussion is not considered appropriate - because the threshold of 'Significant Harm' is not reached - but a Police investigation might be needed, the Local Authority Designated Officer (LADO) should nevertheless conduct a similar discussion with the Police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (Note: the Police must be consulted about any case in which a criminal offence may have been committed.) Like a Strategy Discussion, that initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child and the person against whom the allegation has been made, consider whether a Police investigation is needed and, if so, agree the timing and conduct of that. In cases where a Police investigation is necessary, the joint evaluation should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the Police enquiries and/or prosecution. If the complaint or allegation is such that it is clear that investigations by Police and/or enquiries by Children's Safeguarding are not necessary, or the Strategy Discussion or initial evaluation decides that this is the case, the Local Authority Designated Officer (LADO) should discuss next steps with the employer. In such circumstances, options open to the employer range from taking no further action, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate.

In some cases, further investigation is needed to enable a decision about how to proceed. If so, the Local Authority Designated Officer (LADO) should discuss with the person's employer how and by whom the investigation will be undertaken. The investigation should normally be undertaken by the employer. However, in some circumstances appropriate resources may not be available in the employer's organisation, or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.

## **5.9 Suspension**

The possible risk of harm to children posed by an accused person needs to be evaluated and managed effectively - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life. In some cases, this requires the employer to consider suspending the person. Suspension should be considered in any case where there is cause to suspect a child is suffering or likely to suffer Significant Harm, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal. People must not be suspended automatically or without careful thought. Suspension should not be considered as a default option. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. Note: neither the Police, nor Children's Safeguarding can require an employer to suspend a member of staff or a volunteer. The power to suspend is vested in the employer alone. However, where a Strategy Discussion or initial evaluation discussion concludes that there should be enquiries by Children's Safeguarding and/or an investigation by the Police, the Local Authority Designated Officer (LADO) should canvass Police/Children's Safeguarding views about whether the accused member of staff needs to be suspended from contact with children, to inform the employer's consideration of suspension;

If suspension is deemed appropriate, the reasons and justification should be recorded and the individual notified of the reasons.

## **5.10 Monitoring progress**

The Local Authority Designated Officer (LADO) should regularly monitor the progress of cases, either via review Strategy Discussions, or by liaising with the Police and/or Children's Safeguarding colleagues or the employer, as appropriate. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If the Strategy Discussion or initial evaluation decides that a Police investigation is required, the Police should set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) to consider whether to charge the individual, continue to investigate, or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial action meeting. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the meeting if the investigation continues.

## **5.11 Information sharing**

All personal data collected for the investigation should be processed lawfully and in a transparent manner. It should only be used for the explicit and legitimate purpose of establishing the dealing with of the 'allegation against a staff member'. The data collected should be relevant to the case and processed in a manner which ensure appropriate security of the data.

In the initial consideration at a Strategy Discussion or joint evaluation, the agencies concerned - including the employer - should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim. Wherever possible, the Police should establish the legal basis for consent to enable them to share the statements and evidence they obtained, from the individuals concerned, with the employer, and/or regulatory body, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded, to enable the Police and CPS to share relevant information without delay at the conclusion of their investigation or any Court case.

Children's Safeguarding should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries that is relevant to a disciplinary case can be passed to the employer or regulatory body without delay.

## **5.12 Action following a criminal investigation or a prosecution**

The Police or the CPS should inform the employer and Local Authority Designated Officer (LADO) straightaway when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances, the Local Authority Designated Officer (LADO) should discuss with the employer whether any further action is appropriate and, if so, how to proceed. The information provided by the Police and/or Children's Safeguarding should inform that decision. Action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open depends on the circumstances of the case, and the consideration needs to take into account the result of the Police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## **5.13 Action on conclusion of a case**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services,

the Local Authority Designated Officer (LADO) should discuss with the employer whether a referral to the Disclosure and Barring Service is required or advisable, along with the form and content of a referral. Also, if the person is subject to registration or regulation by a professional body or regulator, e.g. by the Health and Care Professions Council, General Medical Council, Ofsted, etc, the LADO should advise on whether a referral to that body is appropriate.

If it is decided on conclusion of the case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very 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 employer should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still in the workplace.

#### **5.14 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.

#### **5.15 Action in respect of false or unfounded allegations**

If an allegation is determined to be unfounded, the employer should refer the matter to Children's Safeguarding 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.

### **6. Allegations against staff in their personal lives**

If an allegation about abuse or neglect of a child is made about conduct outside of the work role, by a member of staff from one of the agencies subscribing to these procedures, the general principles and approach detailed above apply. A senior manager representing the employing agency should be briefed and involved in the process.

As in the case of allegations against staff in their work role, achieving an appropriate degree of independent scrutiny over the process and an independent element in the investigation may involve:

- The appointment of external independent investigator/s to the team or to oversee the process;
- Use of staff within the organisation who are sufficiently separate from the line management of those against whom the allegation is made e.g. IRO;
- A reciprocal arrangement with another Local Authority.

The decision about the methodology to be adopted is to be made by the Safeguarding and Quality Assurance Unit Manager in conjunction with the Children's Safeguarding Team Manager leading the enquiries. The decision and reasons for it must be placed on the case record.

### **7. Designated Safeguarding Lead for child protection**

The designed safeguarding lead (DSL) for Child Protection at UTC South Durham will be the Principal.

In case of a complaint relating to the Principal, the Chair of Governors should be informed.

## **8. Summary of process**

### **Allegation made to employer**

- The allegation should be reported to the senior manager identified in the employer's procedure **immediately**, unless that person is the subject of the allegation, in which case it should be reported to the designated alternative;
- If the allegation meets any of the criteria set out in section 3, the employer should report it to the Local Authority Designated Officer (LADO) within **one working day**.

### **Allegation made to the police or children's safeguarding**

- If an allegation is made to the Police, the officer who receives it should report it to the force's designated liaison officer without delay, and the designated liaison officer should, in turn, inform the Local Authority Designated Officer (LADO) straightaway. Similarly, if the allegation is made to Children's Safeguarding, the person who receives it should report it to the Local Authority Designated Officer (LADO) without delay.

### **Initial consideration**

- The Local Authority Designated Officer (LADO) will discuss the matter with the employer and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded;
- If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the Local Authority Designated Officer (LADO) will immediately refer to Children's Safeguarding and ask for a Strategy Discussion to be convened straightaway. In those circumstances, the Strategy Discussion should include the Local Authority Designated Officer (LADO) and a representative of the employer;
- If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the Local Authority Designated Officer (LADO) should immediately inform the Police and convene a similar discussion to decide whether a Police investigation is needed. That discussion should also involve the employer.

### **Action following initial consideration**

- Where the initial evaluation decides that the allegation does not involve a possible criminal offence, it is dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within **three working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**;
- Where further investigation is required to inform consideration of disciplinary action, the employer should discuss who will undertake that with the Children's Safeguarding Officer designated officer. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case, the investigating officer should aim to provide a report to the employer within **10 working days**;

- On receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed within **two working days**, and if a hearing is needed it should be held within **15 working days**;
- In any case in which Children's Safeguarding has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action;
- The Local Authority Designated Officer (LADO) should continue to liaise with the employer to monitor progress of the case and provide advice/support when required or requested.

### **Case subject to police investigation**

- If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than **four weeks after the initial evaluation**, and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point. (It is open to the Police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage);
- If the Police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the Police should pass all information they have which may be relevant to a disciplinary case to the employer **without delay**. In those circumstances the employer and the Local Authority Designated Officer (LADO) should proceed as described above;
- If the person is convicted of an offence, the Police should also inform the employer straightaway so that appropriate action can be taken.

### **Referral to disclosure and barring service or regulatory body**

- If the allegation is substantiated, and on conclusion of the case the employer dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the Local Authority Designated Officer (LADO) about whether a referral to the Disclosure and Barring Service and/or to a professional or regulatory body is required. **If a referral is appropriate, the report should be made within one month**;

### **Action on receipt of an allegation**

Upon receipt of an allegation of abuse by a member of staff, including temporary staff, in a UTC or other educational establishment, the Principal/Service Managers must immediately inform and consult with Durham Children's Safeguarding;

- If the allegation is against the Principal, the staff member receiving it must alert Durham Children's Safeguarding who in turn must inform the nominated Governor;
- Children's Safeguarding must determine (if necessary following consultation with the Police CPU) if the nature or seriousness of the allegation requires a strategy Meeting. An inter-agency Strategy Meeting about the member of staff, carer or volunteer, must take place wherever possible **within one working day or a maximum of two working days**. A Strategy Meeting will determine the approach to be taken and whether Section 47 enquiries should be made. The Police will decide whether or not to investigate an allegation of crime.

## **9 Monitoring, evaluation and review of the policy**

The Governing Body will review this policy at least every two years and assess its implementation and effectiveness.

## Appendix

### Conduct of Strategy Meetings

#### First Strategy Meeting

A Strategy Meeting must take place within **one working day wherever possible or a maximum of two working days from referral**. Those invited should be:

The Chairperson of the Meeting (as determined by the Safeguarding Strategic Protection Manager or equivalent third tier Manager);

- The LADO;
- Relevant Social Worker and her/his manager;
- Police representative;
- Senior member of the organisation of the worker concerned, other than the line manager of the subject of enquiries;
- Those responsible for regulation and inspection of the unit, such as Ofsted, if applicable;
- Personnel representatives as appropriate;
- Named/Designated Person for Child Protection for the agency in question;
- Consultant Paediatrician if sexual abuse has been alleged;
- A representative of the relevant Children's Safeguarding if the child is placed elsewhere;
- Complaints Officer if the concern has arisen from a complaint or a complaint investigation is in progress;
- A representative of Legal services (or access to legal advice).

Where the representative of an agency is implicated through an accusation of collusion or failure to respond to previous complaints, it is inappropriate for her/him to attend the Strategy Meeting. In these circumstances consideration must be given to arrangements for alternative representation.

The Strategy Meeting should take as its focus the suspected/actual risk posed by the adult about whom there are concerns/allegations. They are the 'Index Person' for the purposes of these procedures and records should be maintained which allow for any future concerns to be cross-referenced. In addition, records relating to children and young people associated with investigations should note details of the nature of the enquiries/investigation and its outcome and signpost where Strategy Meeting minutes are located.

The Strategy Meeting (which must have a dedicated minute taker) must:

- Review any previous allegations made against the member of staff and the establishment;
- Decide whether there should be a Section 47 Enquiry and/or an internal disciplinary investigation;
- Consider the implications arising from the Police decision whether or not to investigate as an allegation of crime;
- Consider, if a Section 47 Enquiry is appropriate, whether a complex abuse investigation is applicable;
- Scope and plan the Section 47 Enquiry;
- Allocate tasks;
- Set time-scales;
- Decide whom to inform.

The meeting must also:

- Ensure that any emergency action needed to protect a child is taken;
- Ensure that all children who may be affected directly and indirectly are identified, considered and provided with support, including ex-residents if appropriate;

- Consider, where relevant, which other local authorities should be informed;
- Ensure that the investigation is sufficiently independent;
- Make arrangements to ensure the safety of children known to the worker outside of the workplace and at home;
- Make arrangements to inform the child's parents, and consider how to involve them in the investigation and provide support and information during enquiries;
- Consider the safety of children after the enquiry;
- Recommend to the employing agency or responsible authority any action required to protect the interests of children whilst enquiries are conducted, including transfer, suspension or removal of staff (such action is the responsibility of the employing agency or responsible agency and is to be taken in the light of the details of the individual case and in accordance with 'human resource' procedures agreed with Trades Union or work place representatives);
- Agree which manager within each agency will be responsible for coordinating the investigation;
- Consider the need to interview other members of staff and ex-members of staff;
- Consider the need for individual support for any workers, including those who are the subject of allegations;
- Consider linkage and impact on industrial relations, personnel issues, registration and complaints issues and ongoing or subsequent proceedings in the Family or Criminal Courts;
- Consider the use of any record of video interviews for disciplinary purposes;
- Consider the future of the establishment where it is considered that abuse has pervaded the whole staffing group with the involvement or collusion of managers;
- Consider possible claims for compensation and alert insurers;
- Consider notifying the chief executive/senior officer of the employing agency;
- Identify the information to be shared with the alleged abuser;
- Agree on management of any anticipated media interest;
- Agree on arrangements for the chairperson to receive regular progress reports;

The Strategy Meeting should set a review date within **two weeks of the referral** being received with a view to concluding the enquiry as soon as possible.

### **Conduct of Enquiry**

Once a decision has been made to initiate an enquiry, the member of staff should be contacted and told (unless this prejudices any aspect of the investigation e.g. criminal enquiries):

- The nature of the allegation;
- How the enquiries will be conducted and her/his co-operation sought;
- The possible outcomes e.g. disciplinary action (if relevant, including dismissal) or referral to the Disclosure and Barring Service;
- Consideration should be given to support networks for staff whom allegations are made against, e.g. counselling/employee assistance sessions.

The enquiry should take into account any signs or patterns, which could suggest the abuse may be more widespread than it appears and if it involves other perpetrators or institutions. During the course of the enquiries, the chair of the Strategy Meeting must be provided with regular progress reports as agreed at the initial Strategy Meeting.

### **Second and Subsequent Strategy Meetings**

In addition to the issues addressed at the first Strategy Meeting, subsequent monthly meetings must also address, as relevant:

- Progress and results of enquiries;
- Therapeutic and support needs of child/ren;
- Appropriate applications for criminal injuries compensation;
- Support needs of all appropriate staff;
- Future needs of the establishment.

A final Strategy Meeting must be held at the end of enquiries to plan further actions required. The process of the enquiries/investigation should be evaluated.

Whether or not concerns are substantiated, the Safeguarding and Quality Assurance Unit Manager or equivalent third tier manager should decide whether the details of the case should be presented to SSCB or a Sub group, to consider if any lessons can be learnt and whether any change in policy or practice is required.

## **Outcomes**

### **Substantiated Allegations**

Where concerns are confirmed, relevant information must be passed to appropriate authorities, such as the Disclosure and Barring Service.

### **Unsubstantiated Allegations**

- Where, following initial enquiries, it is concluded either that the allegation is unsubstantiated or that there is insufficient evidence to determine whether the allegation is substantiated, the Chair of the Strategy Meeting(s) should prepare a separate report of the enquiry;
- This report will be for the relevant senior manager of the employing agency, and will enable her/him to consider what further action, if any, should be taken;
- The member of staff concerned must be notified of the outcome;
- Consideration must be given to any support the staff member may need, particularly if returning to work following suspension;
- The associated child and her/his parents should also be informed of the outcome;
- Consideration should be given to the provision of support or counselling for the child, and where appropriate, her/his parents, taking full account of a child's needs if a seemingly false or malicious allegation has been made;
- Staff conducting disciplinary proceedings also needs to be informed when the Child Protection investigation/enquiries have concluded.

### **Disciplinary Procedures**

Any disciplinary process must be clearly separated from Child Protection enquiries. Child Protection enquiries and Police investigations take priority over any disciplinary investigations, and will determine whether the investigations can be carried out concurrently. Relevant service managers (third tier level managers) must be informed of all allegations made against members of their staff. Consideration must be given to any potential misconduct or gross misconduct on the part of a staff member, and the appropriateness of the staff member being suspended whilst the Child Protection enquiry takes place. A decision to suspend or temporarily re-deploy staff rests with the UTC governing body but may be informed by the discussion at a Strategy Meeting, which must take into account:

- The safety of the child/ren;

- Any impact on the enquiry.

The fact that there may be insufficient evidence to support a Police investigation or prosecution should not prevent any action being taken that is necessary to safeguard a child's welfare. It may be that the allegation was prompted by inappropriate behaviour, not considered sufficiently harmful under the safeguarding Child Protection procedures, but which may still need to be considered under the disciplinary procedures. Following notification that the Child Protection investigation has been concluded, staff conducting any disciplinary proceeding should request access to relevant information from Children's Safeguarding and the Police CPU. All possible steps must be taken to avoid repeated interviewing of children.