

SCHOOL POLICY & PROCEDURES FOR DEALING WITH ALLEGATIONS AGAINST STAFF

1. Summary

1.1 Section 11 of the Children Act 2004 places a duty on key persons and bodies to make arrangements to ensure that, in discharging their functions, they have regard to the need to safeguard and promote the welfare of children. Working Together to Safeguard Children (WT) 2006 required key partners to participate in Local Safeguarding Children Boards (LSCB) and provides statutory guidance on the discharge of this function.

1.2 Chapter 3 of Working Together places a statutory responsibility on LSCB's to undertake a 'Policy & Procedures Function' (WT3.18)

'Developing policies & procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in

relation to the following..... (iv) Investigation of allegations concerning people working with children (WT3.26)'

LSCB's are required to meet this function by October 2007. DCSF guidance LSCB Self Assessment for Managing Allegations/Allegation Management Advisors Network provides fuller descriptions of the roles involved.

1.3 This policy and associated protocol and procedures fulfils Kirklees LSCB's responsibility to ensure that effective inter-agency, overarching policies and procedures are in place in respect of Managing Allegations against Staff and Volunteers Working with Children.

2. Background

2.1 Historically the outcomes of public enquiries inform us that abusers will specifically plan to work with children. The Warner Report "Choosing with Care" and Sir William Utting's report "People Like Us" evidences widespread abuse within residential children's homes in Leicestershire and Wales respectively. This was again noted in the Waterhouse Report "Lost in Care" 2000. The enquiry by Sir Michael Bichard into the murders of Jessica Chapman and Holly Wells demonstrates gaps in how information was not shared with regards to concerns about Ian Huntley which enabled him to gain employment as a school caretaker.

2.2 In 2005, 2416 people were reported to DFES to consider including them on either list 99 or POCA because they were considered as posing as a risk to children. 525 people were added to the list.

2.3 The Department for Children, Schools and Families (DCSF) estimate that there are 3000 allegations in maintained schools each year. 66% for physical abuse, 15% for sexual abuse and 15% for inappropriate behaviour.

2.4 In light of the above the DCSF will now be monitoring how LSCB's manage allegations against staff. This policy is therefore in accordance with government guidance namely Appendix Five of Working Together 2006 – Procedures for managing allegations against people who work with children; Safeguarding Children and Safer Recruitment in Education 2007 and the DCSF Self



Assessment Tool for Managing Allegations/Allegations Management Advisors Network (AMA) 2006. It is also based on the London Child Protection Procedures 2007.

2.5 Local Safeguarding Children Board's fully endorse this policy and accompanying procedures, and will ensure they are applied to any allegation against an employee or volunteer who may have:

- "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" (WT 2006 6.25))

2.6 These behaviours should be considered in the context of the four categories of abuse (i.e. physical, sexual, emotional and neglect). These include concerns relating to inappropriate relationships between members of staff or volunteers 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;(s16-19 Sexual Offences Act 2003)
 - Grooming i.e. meeting a child under 16 with intent to commit a relevant offence; (s15 Sexual Offences Act 2003)
 - Other 'grooming' behaviour which may give rise to wider child protection concerns such as inappropriate texts or email messages, gifts or socialising.
 - Possession of indecent photographs of children.

2.7 This policy together with the managing allegations against staff and volunteers procedure should be used in conjunction with the LSCB Safe Recruitment Protocol (published 2008).

3. Roles and Responsibilities

3.1 **Local Safeguarding Children Board** is responsible for:

- Ensuring effective inter-agency procedures for managing allegations against staff and volunteers are disseminated to all organisations who provide services to children and young people (WT 3.26).
- Ensuring all organisations provide and disseminate guidance for employees who face allegations of abuse (WT Appendix 5 para 5)
- Ensuring that all agencies and voluntary organisations have identified a Designated Senior Manager to whom allegations or concerns should be reported. In the event of the allegation being made about the identified senior manager a deputy manager should be named as the manager to report to.
- Maintaining a list of all Named Senior Officers within organisations to facilitate the effective dissemination of resources and training materials.
- Establishing an allegations management group to monitor business plans, quality assure local practice, monitor data and resolve any emerging difficulties. This function can be undertaken by a LSCB Executive Sub Group.



- Ensuring that all agencies and voluntary organisations co-operate with the LSCB to provide any information on allegations that may be required.
- Monitoring that thresholds and timescales are agreed and adhered to by all member agencies and voluntary organisations through the role of the LADO (see 3.2 below) who will have responsibility to monitor and ensure effectiveness.
- Conducting a self assessment relating to the effectiveness of interagency procedures for dealing with allegations procedures.
- Establishing an effective confidential data system to provide regular reports to the LSCB with regards to allegations and the investigation process and report these to the DCSF as required.
- The LSCB will monitor how information is shared in accordance with the Caldecott principles and information sharing guidance outlined by DCSF.

3.2 The Local Authority Designated Officer (LADO)

3.2.1 The role of the LADO (DCSF Self Assessment Tool (DCSF/SAT/AMA) 2006) is operational and includes:

- To be involved in the management and oversight of individual cases.
 - To provide advice and guidance to employers and voluntary organisations;
 - To liaise with the police and other agencies;
 - To monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

3.3 Named Senior Officer (NSO)

3.3.1 This is a strategic role (WT 6.23 & DCSF/SAT/AMA); all LSCB member agencies and voluntary organisations should identify a NSO with overall responsibility for:

- Ensuring that their organisation adheres to LSCB procedures when managing allegations against staff and volunteers;
- Resolves any interagency disputes or issues;
- Liaises with the LSCB in identifying and monitoring outcomes.

3.4 Senior Police Officer

3.4.1 This is a strategic role (DCSF/SAT/AMA); the Police should identify a senior officer

to:

- Have strategic oversight of the arrangements for dealing with allegations against those working with children;



- Liaise with the LSCB;
- Ensure compliance.

3.5 Designated Senior Manager

3.5.1 This is an operational role (DCSF/SAT/AMA). All employers and voluntary organisations working with children should:

- Identify a senior person within the organisation to whom all concerns that a member of staff or volunteer may have abused a child should be reported
- Identify an alternative person to whom reports should be made in the absence of the designated manager or in cases where they are the subject of the allegation
- Make sure all staff and volunteers know who these persons are.

4 The Following Agencies have Specific Responsibilities with Regards to Managing Allegations:

4.1 Children's Social Care will through the Safeguarding Children's Service:

- Provide advice and guidance to employers and voluntary organisations
 - Be responsible for chairing and organising strategy meetings
- Liaise with the police and other agencies
- Store information and ensure confidentiality.

4.2 The Detective Inspector for the Child Abuse Investigation Team will have responsibility for:

- Liaising with the LADO
 - Ensuring an officer from the Child Abuse Investigation Team takes part in strategy meetings or discussions. This will happen via the Child Abuse Investigation Team referral desk.
 - Reviewing the progress of cases in which there is a police investigation.
 - Ensuring that information is shared as appropriate, on completion of an investigation or related prosecution.

4.3 Schools and other Educational Settings

Should also refer to chapter 5 of "Safeguarding Children and Safer Recruitment"

(DFES 2006)

(www.teachernet.gov.uk/wholeschool/familyandcommunity/child/protection)

which covers issues relating to allegations of abuse made against teachers and other education staff.



5. Confidentiality and information sharing

- 5.1** 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 the progress of the case, information will be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.
- 5.2** The police will not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (for example an appeal to trace a suspect). In such cases the reasons should be documented and partner agencies consulted beforehand.
- 5.3** All information related to the referral and/or investigation will be recorded and held centrally at the Safeguarding Children's Service. This information will be stored electronically and access to it will be restricted to those who have a need to know in order to protect children, facilitate enquiries or manage related disciplinary or suitability processes. Should further allegations be made in the future subject to legal advice this information may be made available to inform future enquiries. Likewise the LADO will also have access to this information for monitoring quality assurance.

6. Support

- 6.1** All agencies and voluntary organisations where they are involved will consider the impact on the child concerned and provide support as appropriate for the child and their family during and after the investigation. (WT Appendix 5)
- 6.2** Immediately after an allegation has been received, the accused member of staff will be advised to contact his/her trade union or professional association. Human Resources will be consulted straight away so that support can be provided via the organisations occupational health or employee welfare arrangements. (WT Appendix 5)

7. Timescales

All cases should be dealt with expeditiously, fairly and thoroughly in order for unnecessary delays to be avoided. The LADO will monitor and provide regular reports to the LSCB as to the progress of cases to ensure that timescales set out in the procedures are adhered to.

8. Whistle-blowing

- 8.1** All staff will be made aware of their organisation's whistle blowing policy and should feel confident to voice concerns about the attitude or actions of colleagues.
- 8.2** If a member of staff reporting the allegation or concern is concerned that their senior manager or organisation has not dealt with appropriately with the concerns then they should report the matter to the LADO. (Guidance for Safer Working Practice for Adults who Work with Children and Young People - AMA Network 2007)



9. Conclusion

This policy applies to all agencies and organisations who work with children, young people and their families, and to all personnel working within those agencies, regardless of age, ability, gender, culture, race, rank or religion. It should be reviewed annually and modified as necessary.

