



Managing Allegations

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Guidance on the management of allegations against adults in
Newham schools and other educational establishments

Revised October 2012

Contents

Page

Introduction	4
Guidance on Process:	5
Initial Response - Member of staff	5
Initial Response - Head Teacher	5
Initial Response - Other agencies	6
Initial Evaluation - LADO	6
LADO Strategy Meeting	7
Allegations without a named child	8
Allegations against member of school staff living in another local authority area	8
Allegations against a close associate of a member of school staff	9
Outcomes	9
Substantiated Allegation	9
Referral to Disclosure & Barring Service	10
Unsubstantiated, unfounded and false allegations	10
Malicious Allegations	11
Record Keeping	11
References	11
Supporting the Individual	11
Learning Lessons	12
Flow Chart	13
Local Contacts	14

1. Introduction

- 1.1 Statutory Guidance issued by the Department for Education (DfE) in October 2012 provides all schools (including Academies, Free Schools and independent schools) and F.E Colleges with the framework for dealing with allegations of abuse against teachers and other staff in schools and other education settings. It can be downloaded via the following link:

<http://www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse>

Additional clarity can be sought from 'Section Four' of Keeping Children Safe in Education (September 2016) available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf

- 1.2 This document which sets out Newham's local arrangements for the management of allegations against staff in schools and other educational settings is compliant with that Statutory Guidance and should be used in any situation where it is alleged that a teacher or other member of staff (including a 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.
- 1.3 It is important to ensure that even allegations that appear less serious are seen to be followed up and taken seriously and that they are examined objectively by someone independent from the school or college concerned.¹
- 1.4 It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- 1.5 All those involved in the management of allegations should be familiar with the process for considering information arising from an allegation or

¹ Safeguarding Children and Safer Recruitment in Education 2006

concern about the behaviour of an adult working in a school and acting upon it.

2. Guidance on Process

2.1 Initial Response - Member of school staff

2.1.1 Any person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- investigate or ask leading questions if seeking clarification;
- make assumptions or offer alternative explanations;
- promise confidentiality.

2.1.2 Any one receiving details of an allegation or concern should:

- give assurance that the information will only be shared on a 'need to know' basis
- make a written record of the information where possible in the person's own words including the time, date and place of incident/s, persons present and what was said;
- record a written description of any injuries or marks that are immediately obvious in a case where the allegation is one of physical assault
- sign and date the written record

2.1.3 The person receiving the allegation should report the matter to the Head Teacher without delay. If the Head Teacher is the subject of the allegation the member of staff should report the matter to the Chair of Governors.

2.2. Initial Response - Head Teacher

2.2.1 Upon receipt of information about a concern or allegation, the Head Teacher should not investigate the matter or interview the member of staff, child concerned, or potential witnesses or require the child or adult making the allegation to produce a written account.

2.2.2 The Head Teacher should:

- obtain written details of the concern or allegation that are signed and dated by the person receiving the allegation
- approve and date the written details
- record any information about times, dates and location of incidents and names of any potential witnesses
- record any discussions about the child and/or member of staff, any decisions made and the reasons for those decisions.
- contact the Local Authority Designated Officer within one working day for an initial evaluation to determine whether the allegation or concern is within the criteria at 1.2 above.

2.3 Initial Response - Other agencies

2.3.1 Concerns or allegations about the behaviour of an adult in a school may be reported direct to other agencies by the child or family concerned, by another adult, or because concerns have arisen within another context related to the person. In such cases, the agency, such as the Police or Newham's Triage Team, should inform the LADO. The LADO will then liaise with the Head Teacher of the school.

2.4 Initial Evaluation - The role of the LADO

2.4.1 From whichever source the LADO receives information that gives rise to concern about an adult working in a school, the LADO will evaluate that information with the Head Teacher.

2.4.2 This initial evaluation may not need to be a face-to-face meeting but it must involve sharing available information about the allegation, the child, and the person against whom the allegation has been made.

2.4.3 The information will be evaluated within the context of the need to make decisions about the most appropriate way to proceed.

2.4.4 The LADO will consider whether a strategy meeting should be held.

2.4.5 In some cases, following initial consultation between the Head Teacher and the LADO a strategy discussion is not considered appropriate because the LADO considers that the threshold of significant harm has not been reached.

2.4.6 In these circumstances the next steps will need to be considered. Options open to the school will depend on the nature and circumstances of the allegation and the available evidence and information. These will range from taking no further action to dismissal or, in the case of an agency employed member of staff, a decision not to use the person's services in the future.

2.4.7 It may also be the case that initial considerations lead to a decision that the allegation is demonstrably false, or unfounded. This information should be recorded by the LADO. The LADO should refer the matter to children's social care in order to determine whether the child concerned is in need of services or may have been abused by someone else. It will be for the school to inform the member of staff of the allegation and the decision reached that no further action will be taken.

2.5 LADO Strategy Meeting

2.5.1 Wherever possible a LADO strategy meeting should be face-to-face. However, on occasions a telephone discussion may be appropriate. The LADO will chair the meeting and core participants are likely to be:

- Social Worker or Team Manager
- Detective Sergeant Child Abuse Investigation Team (CAIT)
- Head Teacher or nominated representative
- School's HR representative

2.5.2 Other professions may be invited to attend the meeting by the LADO according to the circumstances of the allegation to be considered.

2.5.3 Those invited to the meeting should bring all relevant information including,

- details of the adult against whom the allegation has been made
- information and contact details of any possible witnesses
- previous concerns or employment issues related to the employee.

2.5.4 In reaching a decision about whether the allegation or concern should lead to:

- A Police investigation of a possible criminal offence
- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services
- Disciplinary action by the employer; or
- No further action

The meeting will consider the current allegation in the context of any previous allegations or concerns arising from the adult's behaviour and, where appropriate, the entitlement of school staff, in specific circumstances to use reasonable force with a pupil under Section 93 of the Education & Inspections Act 2006.²

2.5.6 The LADO will also ensure that the meeting agenda includes the following areas for discussion, planning and decision making:

- other children who might be affected in the school together with the adult's own children and any other children living in or frequently visiting the family home such as foster children or children placed for adoption
- whether suspension of the adult is necessary or advisable or whether alternatives to suspension could be used
- any issues that need to be brought to the attention of senior managers

² <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00028-2012>

- enquiries needed, allocation of tasks and the setting of timescales
- what information can be shared with whom and when
- arrangements for managing confidentiality
- the advice and support that can be made available to the member of staff and the child and its family
- the management of any media interest
- the lead contact within each agency
- dates for review meetings
- the information about the allegation that is to be given to the member

2.6 Allegations that do not involve a named child or children

Concerns about a member of staff may arise without a specific incident involving a named child having occurred. These may include

- acting in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of their work within the school
- demonstrating an inability to make sound professional judgements which safeguard the welfare of children
- failing to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children
- failing to understand or recognise the need for clear personal and professional boundaries
- behaving in a way in his or her personal life which could put children at risk of harm
- exploiting or abusing a position of power
- becoming the subject of criminal proceedings
- becoming subject to enquiries under local child protection procedures

and the Head Teacher should seek the advice of the LADO in these circumstances. If it is decided that a strategy discussion should take place, consideration will be given to whether the concern justifies seeking further information, including from other agencies, in order to assess the level of risk and what action the school should take to address that risk, if any, if all agencies agree that this can be managed by the school.

2.7 Allegations against a member of school staff who lives in another local authority area.

If an allegation or concern arises about a member of staff who lives in a different local authority and Newham's LADO decides that the matter should be considered in a strategy discussion liaison should take place among the relevant agencies in both areas and a joint strategy discussion convened.

2.8 Allegation against a close associate of a member of staff

On occasion an allegation of abuse is made against someone who is closely associated with a member of school staff (for example, a partner, close member of the family or other household member.) which suggests that there may be a risk of harm to the children at the school or elsewhere.

In these circumstances a strategy discussion will be convened to consider

- whether the member of staff's role at school is compromised
- whether the member of staff is willing and able to adequately protect children
- whether measures need to be put in place to ensure the pupil's protection

2.9 Outcomes

The following definitions should be used when determining the outcome at any stage of the process of an investigation into an allegation.

Substantiated: There is sufficient identifiable evidence to prove the allegation	
Unsubstantiated: There is insufficient evidence to either prove or disprove the allegation.	<i>Neither guilt nor innocence is implied by this definition</i>
Unfounded: There is no evidence or proper basis which supports the allegation being made	<i>This may indicate that the person making the allegation misinterpreted the incident, was mistaken about what they saw, or was unaware of all the circumstances</i>
False: There is sufficient evidence to disprove the allegation	
Malicious: There is clear evidence to prove there has been a deliberate act to deceive.	

2.9.1 Substantiated Allegation – Disciplinary Process

If the allegation or concern is substantiated it is likely that some form of disciplinary action will be taken by the school, regardless of whether a criminal process is to be followed or not. It may also be necessary to undertake a disciplinary action following a criminal investigation that is closed without charge and a prosecution discontinued or when a criminal

trial has been completed. In any of these circumstances, the LADO, Head Teacher and the School's HR will together discuss

- whether a disciplinary investigation will be undertaken, and if so by which senior member of school staff
- whether an independent investigation is more appropriate because of the complexities of the case
- how the member of staff will be supported to minimise the stress inherent in a disciplinary process
- how the parents or carers of the child involved (where that is the case) will be told about the outcome of the disciplinary process³ and the need for confidentiality⁴

The disciplinary investigation should continue and reach a conclusion even if the person resigns or otherwise ceases to provide their services to the school. An employer must not reach a compromise agreement with the employee such as agreeing to rescind a decision to undertake a disciplinary process if the person resigns.

2.9.2 Referral to the Disclosure and Barring Service

At the conclusion of the disciplinary process if the person is dismissed or would have been dismissed if they had not previously resigned, or the employer ceases to use their services, or would have done if the person had not previously ceased to provide them, then a referral must be made to the Disclosure & Barring Service. The individual should be told that the referral is being made.

The referral should be submitted as soon as possible after the resignation or removal of the member of staff. If an agency is the employer, and a school ceases to use the person's services as a result of the allegation, the referral should be made within one month of that date. The LADO will monitor the submission of the referral and if there is any concern that the employer has not fulfilled its duty to refer, the LADO will do so.

2.9.3 Unsubstantiated, unfounded and false allegations

If a LADO strategy discussion concludes that there is insufficient evidence to substantiate an allegation, the LADO should complete the

³ In deciding what information to disclose careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

⁴ It is a criminal offence to publish anything which is likely to lead members of the public to identify a person as a teacher who is alleged to have committed a criminal offence against a pupil at the same school, where that allegation has been made by or on behalf of the child.

meeting records and forward these, together with all the evidence provided to the Head Teacher so that a decision can be reached about what further action, if any should be taken by the school. These records should be kept in the member of staff's personnel file and a written summary of the allegation, how it was followed up and resolved and the action taken should be provided to the person.

If the LADO strategy discussion concludes that the allegation was unfounded the records should similarly be forwarded by the LADO to the Head Teacher and a summary given to the person concerned. In these cases the Head Teacher may wish to consider the wider context of the allegation and whether the opportunity for future differing perceptions or misunderstandings of the circumstances which led to the allegation could be avoided by a review of policies, procedures and practices in the school.

If the LADO strategy concludes that the allegation was false consideration must be given to the possibility that abuse has occurred elsewhere and the Head Teacher, in consultation with the LADO should refer the matter to the Triage team to determine whether the child is in need of services.

2.9.4 Malicious Allegations

Malicious allegations are rare but consultation with the Police will determine whether they believe it is appropriate to consider action against the person responsible for making the allegation under the Protection from Harassment Act 1997.

3. Record Keeping

- 3.1 Throughout the allegations management process the LADO, Head Teacher and the school's HR adviser should keep clear and comprehensive records of significant events.
- 3.2. Records of all allegations, apart from those that are concluded to be malicious, should be kept on a person's confidential personnel record until the person reaches normal retirement age, or for a period of 10 years from the date of the allegation if that is longer. A summary that clearly states the process followed, the judgements made and the reasons for them should be provided to the member of staff concerned.

4. References

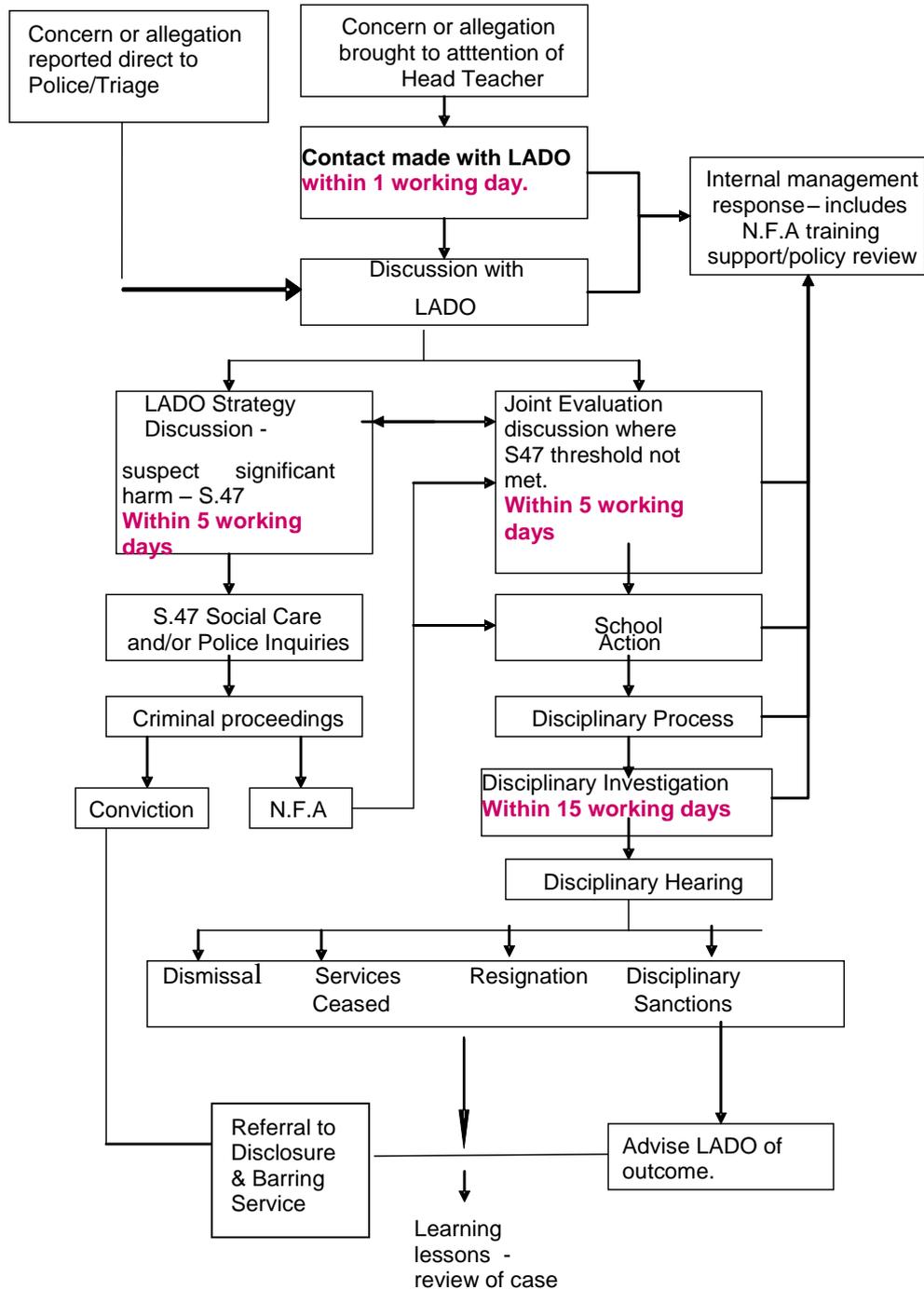
Details of an allegation, or multiple allegations, that have been proven to be false, unsubstantiated, unfounded or malicious, should not be included in employer references.

5. Supporting the individual

- 5.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Indicative timescales are contained within the flow chart of actions at Appendix 1 of this document. Employers have a duty of care to their workers and should act to manage and minimise the stress inherent in the allegations and disciplinary processes. Support for the member of staff is key to fulfilling this duty.
- 5.2 Following discussion with the LADO, the employer should inform the member of staff of the concern or allegation as soon as possible and give an explanation of the likely course of action, unless there is an objection by children's services or the Police in which case the Head Teacher will be advised of the reasons for not doing so.
- 5.3 The member of staff should be advised by the Head Teacher to contact their trade union representative, if they have one, and reminded of the availability of confidential counselling services.
- 5.4 If it has been necessary to suspend the member of staff, particular care should be taken to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues should not be prevented unless there is reason for the Head Teacher to believe that such contact is likely to be prejudicial to the gathering and presentation of evidence for the disciplinary investigation.
- 5.5 Throughout the process the member of staff should be aware of the concerns and why his or her behaviour is being questioned.
- 5.6 When the member of staff returns to work following a suspension or returns to a substantive post following a time spent in an alternative role, arrangements should be made to facilitate his or her reintegration. This may involve informal counselling, guidance or support.

6. Learning Lessons

It is important that lessons are learned following the allegation management process and Head Teachers will find it useful to review the circumstances of the case with the Education Safeguarding Lead to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.



Newham Contacts:

If immediate action is required to protect a child please contact Newham's Triage Team 0202 373 4600 or, if out of hours, please contact the Emergency Duty Team 0208 552 9587, or local Police 0300 123 1212

In all other circumstances where an allegation has been made against a member of school staff, please make initial contact with Newham's LADO to discuss the concern. Tel 0203 373 1208

Once this discussion has taken place, and if it is agreed that a referral is appropriate then please log on to:

www.newham.gov.uk/triage