



Managing Allegations against Staff Policy

Flowchart and Leaflet from Plymouth Safeguarding Hub

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Introduction

Section 175 (2) Education Act 2002 legislation:

(2) The governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.

Responsibility of the School

The school will manage all allegations against staff and/or volunteers in accordance with the agreed Plymouth Safeguarding Children Board procedures (<http://www.plymouthscb.co.uk/>) and has a nominated 'Designated Person' who will liaise with the Local Authority Designated Officer (LADO) on all matters of concern which meet any of the following criteria:-

It appears that the person has:

- Behaved in a way that has harmed a child, or may have harmed a child, or,
- Possibility committed a criminal offence against or related to a child, or,
- Behaved towards a child in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

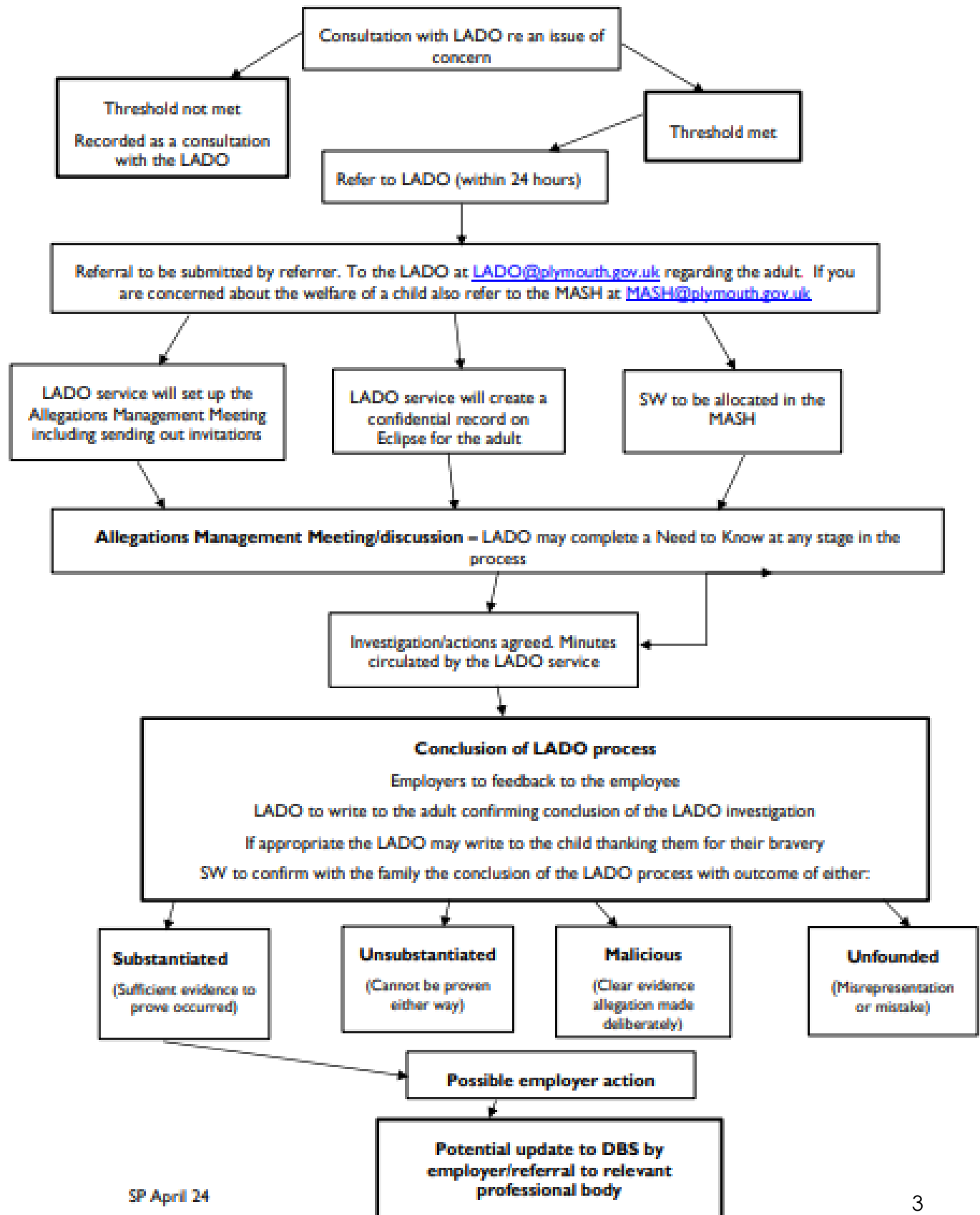
In addition, these procedures will be used:-

- If there are concerns about the person's behaviour towards their own children, or children unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with, or,
- When an allegation is made about abuse that took place some time ago and the accused person may still be working or having contact with children.

The school will not attempt to manage allegations or concerns which meet any of the above criteria through other mechanisms such as the School Complaints Procedure or Disciplinary Procedures, agreed as the appropriate course of action following consultation with the Local Authority Designated Officer (LADO).

Lipson Vale Primary School will provide the Local Authority Designated Officer (LADO), the Police and Children's Social Care with any personal data/information about staff members, governors, children or parents which the said organisation(s) deem relevant to child protection enquires.

ALLEGATIONS AGAINST ADULTS WORKING WITH CHILDREN IN A POSITION OF TRUST



KEY POINTS:

- Regardless of the nature of allegations and who receives the allegation, in a professional setting it must be reported to the LADO. This must include situations where the worker resigns. Settlement agreements are not acceptable in such circumstances and may put others at risk in the future.
- Unless the allegation is clearly unfounded and false (e.g. if the accused person has never met the child or was not on duty) the allegation should never be referred as 'No Further Action'. If it is a malicious allegation, it should still be reported to the LADO to decide if the Police need to take action against the person making the allegation or if the alleged victim has other underlying needs.
- Complaints procedures are separate to the allegations process and just because someone does not wish to make a complaint, this does not mean the allegation should not be considered and investigated.

In recording of outcomes, if an allegation is

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Unless the allegation is found to be malicious, records will be kept for ten years after the individual retires.

If you have a concern about a child. Please tell somebody who can help.

Plymouth Children's Social Care

- *Plymouth Multi-Agency Safeguarding Hub (MASH)*
 - 01752 668000 (Office hours)
 - 01752 346984 (Out of hours)
- *Local Authority Designated Officer (LADO)*
 - 01752 306758

Plymouth Police

- *Emergency*
 - 999
- *Non-Emergency*
 - 101

Plymouth Safeguarding Children Partnership:

Email: pscp@plymouth.gov.uk
Address: Ballard House, West Hoe Rd, Plymouth, PL1 3BJ

LADO Contact:

Telephone: 01752 306758
Email: lado@plymouth.gov.uk
Address: Ballard House, West Hoe Rd, Plymouth, PL1 3BJ



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This information leaflet provides a brief guide to the allegations management process and the role of the LADO. If you are faced with an allegation against an employee, volunteer or professional working or providing services to children, you are strongly advised to contact the LADO at the earliest opportunity. Failure to do this could put children and young people at risk of harm.

SECTION A: INTRODUCTION

This leaflet is about managing allegations of abuse made against individuals who work with children and young people in any setting and in a position of Trust (PoT).

It also covers 16/17 years olds working as an apprentice in a childcare setting and prospective adopters. It is important that all allegations of abuse of children and young people are treated seriously and in line with the Southwest Child Protection Procedures. (www.swcpp.org.uk)

The statutory duty to effectively manage allegations is covered by Section 11 of the Children Act (2004) and is further highlighted in Working Together (2023)

SECTION B: SCOPE

The scope of this leaflet covers a wider range of allegations than those in which there is a reasonable cause to believe a child is suffering, or is likely to suffer, significant harm.

This leaflet should be used for guidance in respect of all cases in which it is alleged that an adult in a Position of Trust have harmed a child and:

- 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;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This is called the Threshold.

It is important that the LADO:

- Drives any investigation to its conclusion.
- Makes sure the child/ren is safe.
- Makes sure the individual who is accused has access to support and is updated.
- Ensures the organisation employing the adult understands the process and its responsibilities.



SECTION C: PROCESS

Step One:

If someone becomes aware of an allegation against an employee, volunteer or professional working in a position of trust the LADO should be informed. The Local Authority Designated Officer (LADO) will respond as soon as possible but within one working day.

If it is an extremely serious allegation (i.e. it is evident the child has suffered significant harm or is likely to suffer significant harm) and/or there is current injury, you may have already contacted the Police (see contact details below) and Multi-Agency Safeguarding Hub (Tel: 01752 668000), then contact the LADO (Tel: 01752 306758), within one working day.

Step Two:

In all but the most serious cases (see above) the LADO will initially consider:

- Whether or not it needs referring to the Police or Children's Social Care Team
- Whether it needs an Allegations Management Meeting (AMM)
- Whether Human Resources need to be involved
- Whether any immediate action needs taking to make a child or other children safe in the organisation.

Step Three:

The LADO will consult with the Police (and the Children's Social Care Team if it is an open case) and the employer or line manager of the accused person if that person is different from the person who referred the allegation.

Step Four:

The LADO will then arrange an Allegations Management Meeting within five working days. The LADO will also record the decisions and actions agreed with the line manager if the allegation does not meet the scope in Section B.

Step Four:

The Allegations Management Meeting will bring together information and evidence with multi-agency colleagues and plan any necessary investigation. There are four possible strands in consideration of an allegation:

1. Enquiries and assessment by the Children's Social Care Team about whether a child is in need of protection (Section 47 of Children Act 1989) or in need of services (Section 17 of Children Act 1989)
2. Police investigation of a possible criminal offence.
3. Consideration by an employer of disciplinary action in respect of the individual.

Step Six:

The LADO will continue to co-ordinate and review further action as necessary. They will record information and outcomes of the process and ensure that, where necessary, individuals are referred to regulatory bodies.



