



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:-

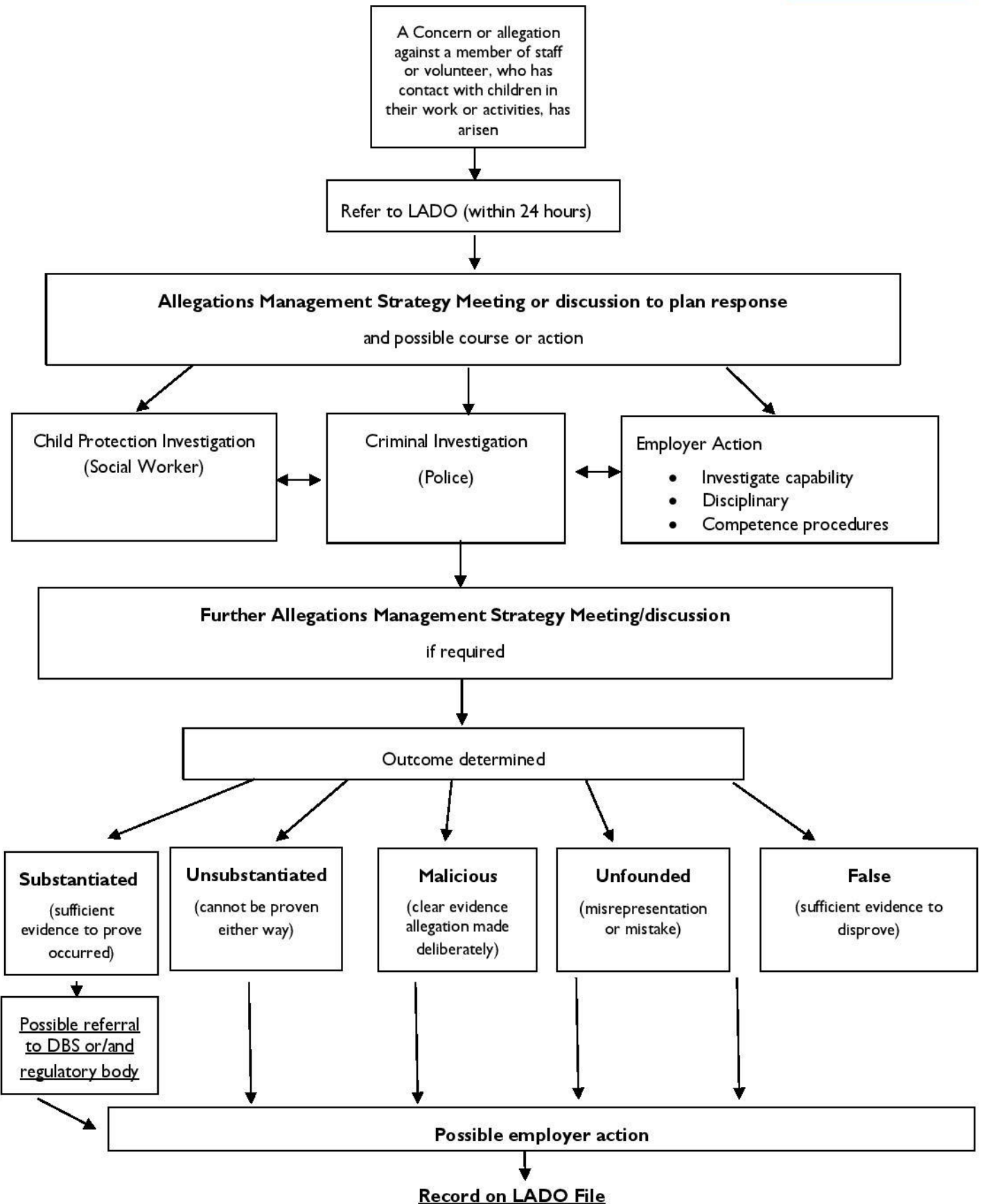
- If there are concerns about the person's behaviour towards their own children, or children unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with, or,
- When an allegation 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 CHILDREN IN A POSITION OF TRUST

Children, Young People and Families Services



KEY POINTS

- Regardless of the nature of allegations and who receives the allegation, 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 false and 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
 - **False:** there is sufficient evidence to disprove the allegation
 - **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 or until the individual, subject to the investigation retires, whichever is longer.

If you have a concern about a child, please tell somebody who can help

Plymouth Children's Social Care

- Plymouth Multi Agency Hub
01752 668000 (Office hours)
01752 346984 (Out of hours)
- Gateway 01752 668000 (Office hours)
01752 346984 (Out of hours)
- Local Authority Designated Officer (LADO)
01752 307144

Plymouth Police

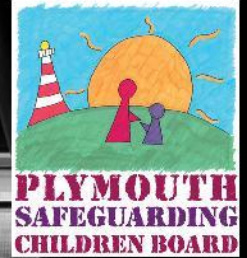
- Emergency 999
- Non-Emergency 101
- Local Safeguarding Team 01752 487590

LADO Contact

Simon White
T 01752 307144
E simon.white@plymouth.gov.uk

PLYMOUTH SAFEGUARDING CHILDREN BOARD

Midland House, Plymouth PL1 2EJ
T 01752 307535
www.plymouthscb.org.uk



CHILD PROTECTION

Managing allegations of abuse made against somebody who works with children in Plymouth

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. It is important that all allegations of abuse of children and young people are treated seriously and in line with the South West 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 the Working Together 2018 guidance, chapter 2, pages 58-59 Paras 4-9.

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 a person who works with children 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 in a way that indicates they may pose a risk of harm to children.

SECTION C: PROCESS

Step One

If someone becomes aware of an allegation against an employee, volunteer or professional working or providing services for children and young people, in relation to the scope in Section B of this leaflet, the line manager or Designated Safeguarding Lead for allegations in their organisation should be notified immediately. If they are the alleged perpetrator, it should instead be their line manager. **That designated person then notifies the Local Authority Designated Officer (LADO) 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, (e.g. cut, bruise, scratch, graze, broken bone etc.), risk of losing forensic evidence, danger to child/public/staff or crime ongoing, immediately contact the Police (see contact details below) and Multi-Agency Safeguarding Hub (Tel: 01752 668000), then contact the LADO (Tel: 01752 307144), within one working day.

Step Two

In all but the most serious cases (see above) the LADO and senior officer/designated manager will initially consider:

- Whether or not it needs referring to the Police or Children's Social Care Team
- Whether it needs an Allegations Management Strategy Discussion;
- 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 Strategy Discussion within five working days (wherever possible). 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 Five

The Allegations Management Strategy Discussion will bring together information and evidence in a multi-agency setting 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.
4. No further action after multi-agency consideration.

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.