



Wolverham Primary and Nursery School Allegations against an Adult Policy

INTRODUCTION

The procedures in Cheshire for Managing Allegations or Concerns about Adults Working with Children are designed to provide an independent service which will ensure that all referrals are appropriately investigated or monitored by the Allegations Officers. This service will cater for concerns/allegations of "significant harm" and other concerns which would render an adult unsuitable to work with children. The key principles of this service are that children are appropriately safeguarded, and that the process is proportionate, consistent, transparent and timely. The process of any investigation can be very difficult and stressful for those involved, and it is therefore crucial that support for both the child/ren and adult/s involved is provided.

REFERRAL PROCESS (please also refer to Flow Chart)

If you have a concern or an allegation is made about a person who works with children, whether a professional, staff member, foster carer or volunteer and they 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, should then follow the process outlined below:

STEPS TO FOLLOW

All allegations should be reported straight away. Every effort will also be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

1. You should first discuss this matter with the Head teacher Mrs Tracy Webb. **In the absence of the Head teacher, or should the allegation be against the Head teacher, you must make referral to the chair of governors (Mr Paul Jenkins 07985 517512) to discuss with them. The Chair of Governors will then follow the steps below.**
2. If the concern/allegation meets the criteria set out in Cheshire's Local Safeguarding Board Procedures, then the Head teacher must make contact within one working day with one of the two Allegations Officers, based within the Children's Safeguarding Unit in Cheshire West and Chester Council. Their contact details are: Allegations Officers – 0151 356 6843. An initial discussion will take place as to how the matter will be progressed.
3. If it is agreed that it is an appropriate referral to the Allegations Officers, then a referral form, (available on the LSCB website) should be completed by the referrer and sent within three working days to the Allegations Officers.
4. If a Strategy Meeting or Discussion is required, it will normally be chaired by the Safeguarding and Child Protection Manager, or a Child Protection Coordinator from the Children's Safeguarding Unit.
5. There are four possible outcomes to a referral being made:
 - The referral does not meet the threshold for investigation
 - Referring agency undertakes their own investigation within agreed timescales and advises Allegations Officers of the outcome

- Allegations officer assists the referring agency with investigation (i.e. in the voluntary sector or for the purpose of independence) within agreed timescales.
- Allegations Officer or Social Worker from Assessment and Care Management Team undertakes investigation regarding "significant harm" as defined in Section 47 of the Children Act (1989) within agreed timescales.

Each case will be reviewed in accordance with the procedures at least monthly by either the Senior Allegations Officer or the Safeguarding and Child Protection Manager.

The Head teacher can expect to be clear whether a referral has been accepted, if so, be kept informed of the progress of the investigation and a representative of the School would be invited to participate in the Strategy Meeting/Discussion. On completion of the investigation the Head teacher can expect to know the outcome of the investigation.

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, including the outcome of any disciplinary hearing. The information taken into account in reaching a decision cannot normally be disclosed, but the parents or carers of the child should be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need.

The School should also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. That may include support via the local authority occupational health or employee welfare arrangements. If the person is suspended, the School should also keep the individual informed about developments at School. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

Confidentiality

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the Association of Chief Police Officers' (ACPO) guidance, the police will 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.

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 cooperate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement 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 cooperate. 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 School 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 that is appropriate. Nor can it override the statutory duty to make a referral to the DfES where circumstances require that.

Record Keeping

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation resurfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

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 below. Those 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 allegation, but they provide useful targets to aim for that are achievable in many cases. *Working Together to Safeguard Children* states that it is reasonable to expect that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

Oversight and Monitoring

Local authorities with responsibility for schools should have a named senior officer who has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. In addition, designated local authority officers should also be involved in the management and oversight of individual cases. The designated local authority officer(s) will provide advice and guidance to schools, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Initial Considerations

The procedures need to be applied with common sense and judgement. In rare cases allegations will be so serious as to require immediate intervention by children’s social care and/or police. Others that meet the criteria on page 9 may seem much less serious and on the face of it will not warrant consideration of a police investigation, or enquiries by children’s social care. However, 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 of the school or concerned. Consequently, the local authority designated officer should be informed of all allegations that come to the school’s attention and appear to meet the criteria (see flow chart), so that s/he can consult police and social care colleagues as appropriate.

The local authority designated officer 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 social care.

The local authority designated officer’s first step will be to discuss the allegation with the head teacher (or chair of governors) to confirm details of the allegation and establish that it is not

demonstrably false or unfounded. If the parents/carers of the child concerned are not already aware of the allegation, the designated officer will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the local authority officer should consult those colleagues about how best to inform parents. However, in some circumstances the school or FE college may need to advise parents of an incident involving their child straight away, for example if the child has been injured while at school, or in a school or related activity, and requires medical treatment.

The Head teacher should inform the accused person about the allegation as soon as possible after consulting the local authority designated officer. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the head should not do that 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 contact that organisation at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.54 of *Working Together to Safeguard Children*. Please note that in these cases the strategy discussion should include a representative of the school (unless there are good reasons not to do that), and take account of any information the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.

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 should nevertheless conduct a similar discussion with the police, the school and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (Please note that 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 which can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996. DfES guidance about that can be found at: http://www.dfes.gov.uk/publications/guidanceonthelaw/10_98/summary.htm

If the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that is the case, the local authority designated officer should discuss next steps with the head teacher and chair of governors. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the local authority designated officer should discuss with the head teacher and chair of governors how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances, lack of appropriate resource within a school or the nature or complexity of the allegation, will require an independent investigator. Many local authorities already provide for an

independent investigation of allegations in some way, often as part of the personnel services that schools and can buy in from the authority. It is important that local authorities ensure that schools have access to an affordable facility for independent investigation where that is appropriate.

Suspension

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed – in respect of the child(ren) involved in the allegations, any other children in the individual's home, work or community life. In some cases that will require the school to consider suspending the person until the case is resolved.

Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person must not be suspended automatically, or without careful thought. Schools must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved, and may wish to seek advice from their personnel adviser. Schools should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

Neither the local authority, the police, nor children's social care, can require a school to suspend a member of staff or a volunteer. The power to suspend is vested in the head teacher and the governing body of the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by social care and/or investigation by the police, the local authority designated officer should canvass police and social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

Monitoring Progress

The local authority designated officer should regularly monitor the progress of cases either via review strategy discussion or by liaising directly with the police and/or children's social care 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 assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about 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 evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Information Sharing

In a strategy discussion or the initial evaluation of the case the agencies concerned 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 obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. That should be done as their investigation proceeds rather than after it is concluded. That will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

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

Action Following a Criminal Investigation or a Prosecution

The police or the Crown Prosecution Service (CPS) should inform the school and local authority designated officer straightaway when a criminal investigation and any subsequent trial is complete, or if it is decided to close an 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 should discuss with the head teacher and chair of governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and or children's social care should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Action on Conclusion of a Case

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the local authority designated officer should discuss with the school and its personnel adviser whether a referral to DfES or the GTC is required, or advisable, and the form and content of a referral.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school 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 school or 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 attending the school.

Learning Lessons

At the conclusion of a case in which an allegation is substantiated the local authority designated officer should review the circumstances of the case with the head teacher and chair of governors 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.

Action in respect of False Allegations

If an allegation is determined to be false, the local authority designated officer should refer the matter to children's social care 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 head teacher should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil. The next section summarises the process for dealing with allegations.

The Children's Safeguarding Referral Team
01606 275099, childreferral@cheshirewestandchester.gov.uk
Emergency Duty Team (out of hours) 01244 976050

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FLOW CHART FOR REPORTING ALLEGATIONS AGAINST ADULTS WORKING WITH CHILDREN

