



MIDDLESEX  
LEARNING  
PARTNERSHIP

# PROCEDURE FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF

APPROVED BY:	HR & Pay Committee
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## Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

## 1. Introduction

Despite all efforts to recruit safely there will be occasions when allegations of abuse by staff or volunteers against children are raised.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer, including a governor of the school, 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.

This procedure is drawn up taking account of the following guidance:

- Working Together to Safeguard Children 2018
- London Child Protection Procedures 2017 (5<sup>th</sup> Edition, Part A, Section 7)
- Keeping Children Safe in Education 2023 (Part Two and Part Four)

## 2. Scope

This procedure applies to all employees of Middlesex Learning Partnership (Academy Trust). The Trust may be referred to as Academy Trust or School throughout this policy.

Where the Head of School is the subject of the allegation or concern, all reference to Head of School be replaced with Chair of Governors.

This procedure should be used in respect of all cases in which it is alleged that a teacher or other member of staff (including a volunteer) in a school 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 they may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse (i.e., physical, sexual and emotional abuse, and neglect). These include concerns relating to inappropriate relationships between members of staff 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 (see ss16 -19 Sexual Offences Act 2003)
- 'Grooming' i.e., meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / email messages or images, gifts, socialising etc.);
- Possession of indecent photographs / pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon.
- As a parent or carer, has become subject to child protection procedures.

### 3. What might be involved?

There are up to four strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Local authority social care enquiries and/or assessment about whether a child is in need of protection or in need of services;
- Consideration by the school of disciplinary action in respect of the individual.
- Whether action in regards to the person making the allegation should be considered where the allegation has no foundation and may be malicious.

### 4. Roles and responsibilities

#### 4.1 The school should appoint:

- A member of the school's leadership team to the role of designated safeguarding lead. This should be explicit in the role-holder's job description. (See Appendix 5 which describes the broad areas of responsibility). Allegations or concerns which fit the criteria set out in Section 2 should be reported to the designated safeguarding lead.
- A deputy to the designated safeguarding lead to whom reports should be made in their absence or where the designated safeguarding lead is the subject of the allegation or concern. The role should be explicit in their job description.

#### 4.2 The Local Authority provides a central point of contact to whom the designated safeguarding lead must report all appropriate allegations which fit the criteria set out in Section 2. This is the local authority's Designated Officer for Child Protection (LADO). The Local Authority's Designated Officer's role is to:

- Receive reports about allegations and to be involved in the management and oversight of individual cases; Provide advice and guidance to the school;
- Liaise with the police, local authority children's social care services, and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Provide advice and guidance to schools in relation to making referrals to the Disclosure and Barring Service (DBS) and other regulatory bodies such as Ofsted.

### 5. Low level concerns

- **All low levels concern to be shared with the DSL. The DSL is responsible for notifying the Head of School in a timely fashion. The Head of School is the ultimate decision maker in respect of all low-level concerns.**
- **If in doubt as to whether the low-level concern meets the harm threshold then consult your Local Authority Designated Officer (LADO)**
- **Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.**

### 6. Initial considerations

This procedure for dealing with allegations needs to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by local authority children's social care services and/or the police.

The **Local Authority's** Designated Officer should be informed of all allegations that come to the school's attention and appear to meet the criteria so that they can consult police and local authority children's social care services as appropriate.

## **7. Initial response to an allegation or concern**

An allegation against a member of staff may arise from a number of sources e.g., report from a child, a concern raised by another adult in the school, or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

### 7.1 Initial action by person receiving or identifying an allegation or concern

The 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 but should give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated safeguarding lead, or their deputy in their absence or; where the designated safeguarding lead is the subject of the allegation, report to the deputy or another appropriate senior manager

### 7.2 Initial action by the designated safeguarding lead

When informed of a concern or allegation, the designated safeguarding lead should not investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the allegation / concern, signed and dated by the person receiving (not the child / adult making the allegation) the allegation; Approve and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff concerned, any decisions made, and the reasons for those decisions.

The designated safeguarding lead should review the information available and consideration should be given as to whether the case meets the threshold of harm/risk of harm.

If the designated safeguarding lead is unclear whether the incident meets the threshold of harm/risk of harm, they should seek advice from the **Local Authority's** Designated Officer.

If the allegation meets the criteria set out in Section 2 above, the designated safeguarding lead should report it to the **Local Authority's** Designated Officer within one working day of an allegation being made and prior to any further investigation taking place. A failure to report an allegation in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated safeguarding lead should consult the local authority children's social care emergency duty team or local police and inform the **Local Authority's** Designated Officer as soon as possible.

## 8. Initial discussion with the Local Authority's Designated Officer

The purpose of an initial discussion with the **Local Authority's** Designated Officer is for them and the designated safeguarding lead to consider the nature, content and context of the allegation and agree a course of action. The **Local Authority's** Designated Officer and designated safeguarding lead should consider whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the designated safe guarding lead and the **Local Authority's** Designated

Officer, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The designated safeguarding lead should then consider with the **Local Authority's** Designated Officer what action should follow in respect of the individual and those who made the initial allegation.

If the allegation is not demonstrably false and there is cause to suspect that the adult poses a risk of harm, the **Local Authority's** Designated Officer should convene an Allegations against Staff and Volunteers (ASSVC) meeting/discussion.

If the allegation is about physical contact, the ASSVC meeting/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.

### **9. 'Allegation against Staff including Supply Staff, Volunteers and Contractors' (ASSVC) meeting/discussion**

An ASSVC meeting/discussion will decide the strategy for managing the allegation. Where necessary this will be a face –to–face meeting. Many cases can be managed through a discussion between the designated safeguarding lead, the **Local Authority's** Designated Officer, the police, and any other relevant agency. Where communication is via telephone or email, records should be kept for audit purposes.

Depending on the circumstances of the case, the **Local Authority's** Designated Officer will make the decision on who would be the appropriate professionals/agencies who should be in attendance. The ASSVC will be chaired by the **Local Authority's** Designated Officer.

The meeting/discussion should:

- Decide whether there should be a s47 enquiry and/or police investigation;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>)
- Consider whether a complex abuse investigation is applicable;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when.

The meeting/discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that the investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension. Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the **Local Authority's** Designated Officer, having regard to the target timescales;
- Consider issues for the attention of the Head of School and Academy Trust (e.g. media interest, resource implications);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the school's safeguarding arrangements;
- Agree dates for future meetings/discussions.

A final meeting/discussion, should be held to ensure that all tasks have been completed, including any referrals to DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

The meeting, discussion, should take into account the following definitions when determining the outcome of allegation investigations:

1. Substantiated: there is sufficient evidence to prove the allegation that a child has been harmed or there is risk of harm.
2. Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
3. False: there is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.
4. Unsubstantiated: there is insufficient evidence to prove or disprove the allegation, the term therefore does not imply guilt or innocence.
5. Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

## **10. Information sharing**

In an ASSVC discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the school should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

The local authority children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of 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.

## **11. Outcome of 'Allegations against Staff, Supply Staff, Volunteers and Contractors' (ASSVC) discussion/meeting or initial evaluation**

**11.1 Cases leading to a police investigation and/or enquiries by local authority children's social care** the meeting will consider if the school's disciplinary process can be taken forward in parallel with the criminal investigation; or whether it is necessary to wait for the outcome of the police enquiries before any disciplinary action can be considered.

Each case must be judged on its merits, but it is important to remember that the balance of proof in a disciplinary case is far less than in a criminal investigation, and a successful criminal prosecution is not essential for an employee to face disciplinary sanction. However, the school must be careful to ensure that their disciplinary investigations/actions do not in any way jeopardise a criminal investigation. Advice from the police and **Local Authority's** Designated Officer will be essential when making this decision.

### **11.2 Cases which do not require police investigation and/or enquiries by local authority children's social care**

Where it is clear that an investigation by the police or local authority children's social care is unnecessary, the **Local Authority's** Designated Officer should discuss the next steps with the designated senior manager. In these circumstances the options open to the school will 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.

The circumstances of the case and the school's own disciplinary and conduct policies will determine the most appropriate action.

If further investigation is necessary to enable a decision about how to proceed, the **Local Authority's** Designated Officer should discuss with the designated senior manager how and by whom the investigation will be undertaken. In straightforward cases the investigation should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource or expertise within the school, or the nature or complexity of the allegation may require an independent investigator, in which case the school may consider commissioning an independent investigator.

## **12. Informing others involved**

The **Local Authority's** Designated Officer will advise the school whether or not informing the parent of the child involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the school should inform the parent. In some circumstances, however, the parent may need to be told straight away (e.g., if a child is injured and requires medical treatment).

## **13. Informing the person accused of the allegation**

The school should seek advice from the **Local Authority's** Designated Officer, the police and/or local authority children's social care about how much information should be disclosed to the accused member of staff. Subject to restrictions on the information that can be shared, the school should, as soon as possible, inform the accused member of staff about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g., disciplinary action, dismissal, referral to the DBS and other regulatory body).

The accused member of staff should be:

- Treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Advised to contact their trade union representative, if they have one, or a work colleague for support;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace;
- Given access to the school's Employee Assistance Programme for support, if available

## **14. Suspension**

Suspension is a neutral act and it should not be an automatic response when an allegation is reported. Suspension should be considered in any case where:

- There is cause to suspect a child has suffered, or is likely to suffer significant harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

Views on suspension can be canvassed at any ASSVC discussion/meeting held. However, only the Head of School or the Academy Trust has the power to suspend and they cannot be required to do so by the **Local Authority's** Designated Officer or the police, although schools should give appropriate weight to their advice.

Based on assessment of risk, the following alternatives should be considered by the Head of School before suspending:

- Redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- Providing an assistant to be present when the individual has contact with children;
- Redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- Moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- Temporarily redeploying the member of staff to another role in a different location, for example to an alternative school within the academy trust.

Where it has been deemed appropriate to suspend this should be confirmed in writing to the individual within one working day.

Suspension will be in line with the school's disciplinary policy and procedure.

Please also see Section 17 within this document for guidance on occasions where it may be necessary to make a referral to DBS when an individual is suspended or deployed to another area of work that is not regulated activity.

The school should appoint a named contact at the school for the staff member during their period of suspension.

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 would benefit from some help and support to return to work after what can be a very stressful experience. Depending on the individual's circumstances, a phased return and/or provision of a mentor to provide assistance and support in the short term may be appropriate. The school should also consider how the person's contact with the child or children who made the allegation can best be managed.

## **15. Confidentiality**

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Section 13 of the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that 'publication' of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. 'Publication' includes 'any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public'. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, 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 would like to depart from that rule, e.g. an appeal to trace a suspect, they must apply to the magistrates' court to request that reporting restrictions to be lifted).

Schools should take advice from the **Local Authority's** Designated Officer, police and local authority social care services to agree the following:

- Who needs to know, and importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any, information can be reasonably given to the wider community to reduce speculation, and
- How to manage press interest if, and when, it should arise.

## **16. Disciplinary or suitability process and investigations**

The **Local Authority's** Designated Officer and the designated safeguarding lead should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by the ASSVC meeting/discussion that a police investigation or local authority children's social care enquiry is not necessary; or
- The school or **Local Authority's** Designated Officer is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or local authority children's social care;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

The investigation and any subsequent disciplinary hearing should be held in accordance with the school's disciplinary policy and procedure. If formal disciplinary action is not required, the school should institute appropriate action within three (3) working days.

If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the school and the **Local Authority's** Designated Officer should discuss whether the school has appropriate resources or whether it should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.

The aim of the investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with local authority children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of new information.

The investigating officer should aim to provide a report within 10 working days.

On receipt of the report the school should decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

### **17. Resignations and ‘Settlement Agreements’**

Every effort should be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, even if:

- the individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations;
- it may not be possible to apply any disciplinary sanctions if the person’s period of notice expires (where the staff member has resigned) before the process is complete.

By the same token so called ‘settlement agreements’, by which a person agrees to resign provided disciplinary action is not taken and that a future reference is agreed, 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 DBS or to the Teaching Regulation Agency (TRA) where circumstances require that.

A settlement agreement which prevents the school from making a DBS referral where the criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral.

### **18. Referral to the Disclosure and Barring Service (DBS)/Teaching Regulation Agency (TRA)**

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child where:

- the harm test is satisfied in respect of that individual\*
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe a caution or conviction for a relevant offence (as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 No. 37) (amended); or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

If the allegation is substantiated and the employee is dismissed or the school ceases to use the person’s services, or the person resigns or otherwise ceases to provide their services, the designated safeguarding lead should discuss with the **Local Authority’s** Designated Officer whether a referral to DBS and, in case of a teacher, to the Teaching Regulation Agency (TRA) is appropriate.

Referrals should be made as soon as possible after the resignation or removal of the staff member and within one month of ceasing to use the person’s services. The DBS will consider barring the person from working in regulated activity, and the TRA, in the case of a teacher, will consider prohibiting the individual from teaching.

The legal duty to refer to DBS applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended. It is strongly recommended that advice should be sought from the **Local Authority’s** Designated Officer prior to making a referral to DBS at this stage.

\*DBS guidance states that a person satisfies the harm test if they may harm a child or put them at risk of harm. A person satisfies the harm test if they may:

- harm a child

- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child

## **19. Lessons learnt**

On the conclusion of a case in which an allegation is substantiated, the **Local Authority's** Designated Officer should review the circumstances of the case with the designated safeguarding lead 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. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The **Local Authority's** Designated Officer and the designated safeguarding lead should consider how future investigations of a similar nature could be carried out without suspending the individual.

## **20. Record keeping**

Details of allegations that are found to have been malicious should be removed from personnel records.

For all other allegations it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the 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, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

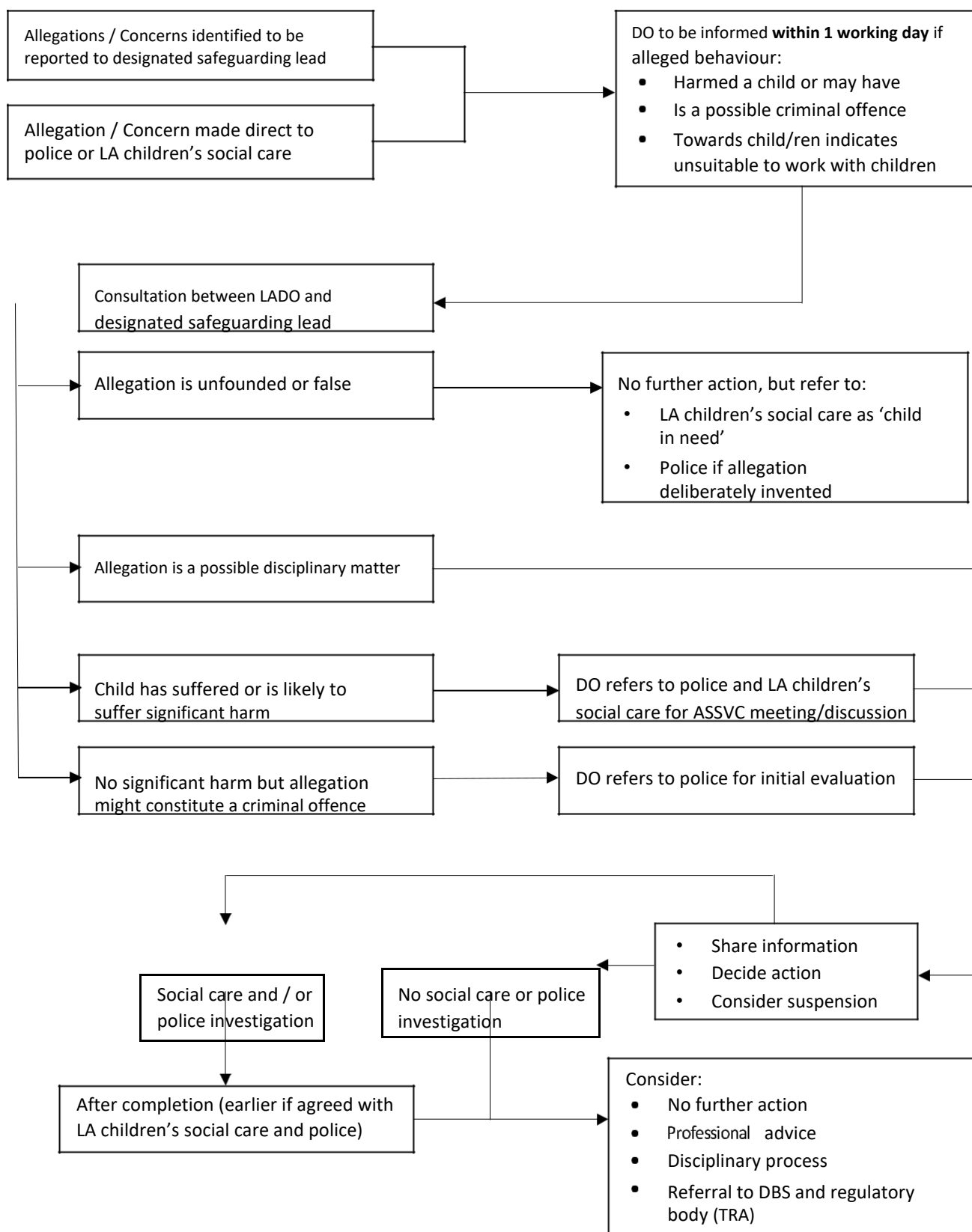
The record should be kept at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Appendix 5 provides a Record of Allegations template that schools can consider using to record allegations of this nature.

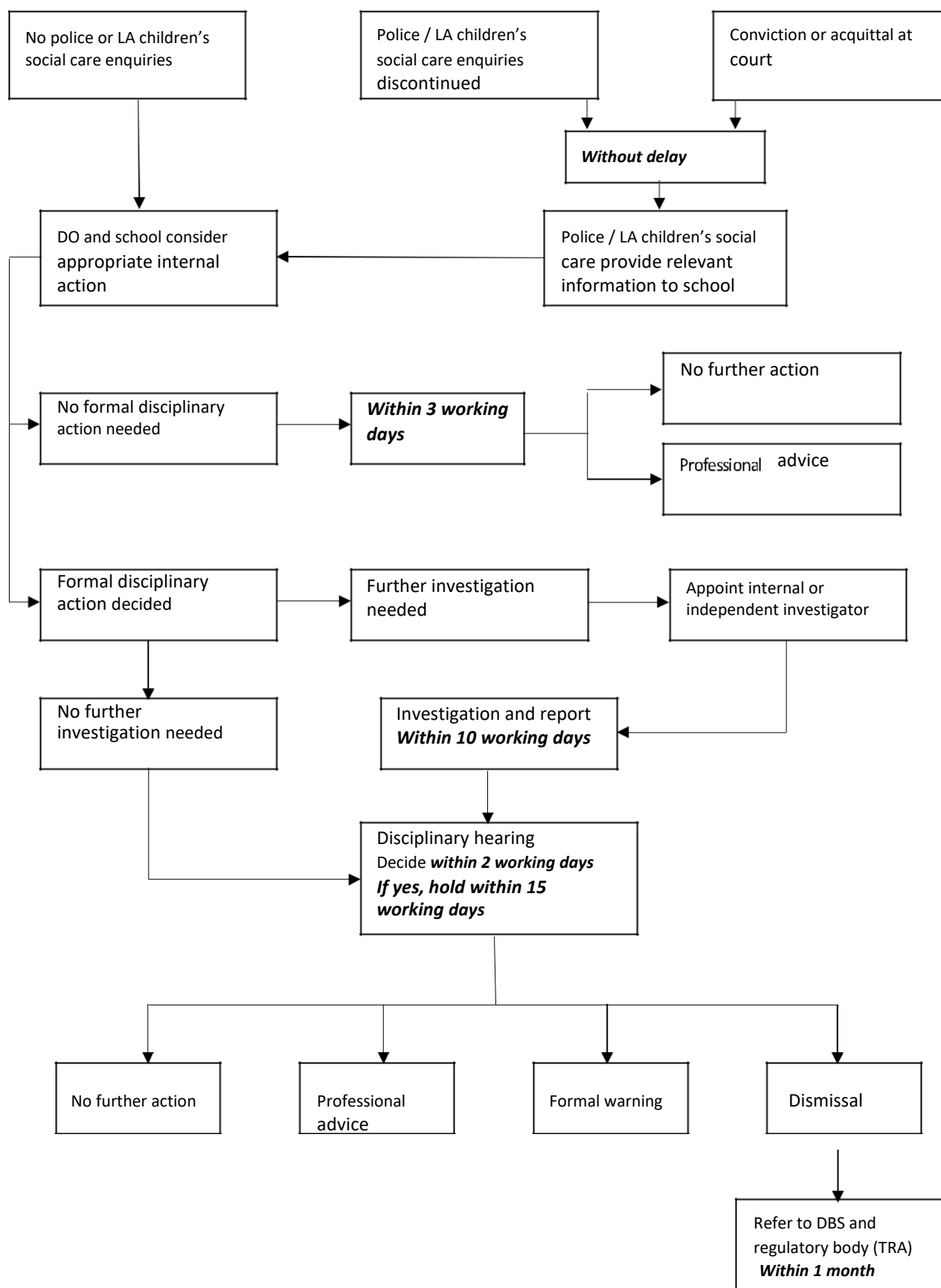
## **21. References in cases where the allegation is false, unsubstantiated, or malicious**

Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, malicious etc. should also not be included in any reference.

## Appendix 1- Allegations/concerns against staff (including volunteers} Child Protection Process (Flowchart}



## Appendix 2 - Allegations/concerns against staff (including volunteers) Disciplinary / Suitability Process (Flowchart)



### Appendix 3- Summary of actions

Schools can use the following summary as a checklist- but must refer to the full procedure for guidance.

- When an allegation is made it must be reported to the school's designated safeguarding lead
- The designated safeguarding lead manager should report this to the Local Authority's Designated Officer

The **Local Authority's** Designated Officer will decide if an ASSVC discussion/meeting should be convened (in cases of risk of significant harm), and will arrange for that to happen.

- If the threshold for significant harm is not met, the **Local Authority's** Designated Officer will carry out an initial evaluation – this may or may not involve the police and or local authority children's social care.
- The school and the **Local Authority's** Designated Officer will agree the next steps – if possible the employee will be informed of the allegation at this stage.
- The school will aim to carry out any agreed next steps within the recommended timescales (set out at Appendix 2).
- A summary record of the allegation, whether substantiated or not, will be kept on the individual's personnel file until they reach normal retirement age, or for ten years whichever is longer. However, allegations that are found to have been false or malicious should be removed from the personnel file.
- Allegations that are unsubstantiated, unfounded or malicious should not be referred to in employer references



## Appendix 4 - Record of an allegation/concern raised relating to an adult who works with children

HIGHLY CONFIDENTIAL– TO BE PLACED ON EMPLOYEE PERSONAL FILE

RECORD OF AN ALLEGATION/CONCERN RAISED RELATING TO AN ADULT WHO WORKS WITH CHILDREN

School: \_\_\_\_\_

Name of Employee (Volunteer / Governor)	Employee Number	Date of Birth
Job Title	Date of Allegation	

### PART ONE

#### Explanatory statement

This statement is made in accordance with guidance contained within:

- Working Together to Safeguard Children 2018
- London Child Protection Procedures 2017
- Keeping Children Safe in Education 2022

Details of all allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential file of the person concerned and a copy of the record provided to them.

Allegations that are false, malicious, unsubstantiated, unfounded or malicious should not be referred to in employer references.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record will be retained on file until the employee has reached normal retirement age, or for a period of 10 years from the date of the allegation, if that is longer.

## PART TWO

Summary of allegation

--

How the allegation was followed up

--

Outcome of investigation (see Part Three)

--

Action taken and decisions reached

--

Employee comments (if appropriate)

--

Designated Safeguarding Lead (School)

Name:

Signed:

Assigned Local Authority's Designated Officer (if appropriate)

Name:

Signed:

Employee Name:

Signed:

## PART THREE

Possible outcomes are:

1. Substantiated: there is sufficient evidence to prove the allegation that a child has been harmed or there is risk of harm.
2. Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

3. False: there is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.
4. Unsubstantiated: there is insufficient evidence to prove or disprove the allegation, the term therefore does not imply guilt or innocence.
5. Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

## **Appendix 5 - Role of the designated safeguarding lead (as set out in Keeping Children Safe in Education 2022)**

The Academy Trust, proprietors and managements committees should ensure an appropriate senior member of staff, from the school leadership team, is appointed to the role of designated safeguarding lead. The designated safeguarding lead should take lead responsibility for safeguarding and child protection. This should be explicit in the role holder's job description. This person should have the appropriate status and authority within the school to carry out the duties of the post. They should be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings, and/or to support other staff to do so, and to contribute to the assessment of children.

### **Deputy designated safeguarding leads**

It is a matter for individual schools as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead and the role should be explicit in their job description.

Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for child protection, as set out above, remains with the designated safeguarding lead, this lead responsibility should not be delegated.

The broad areas of responsibility for the designated safeguarding lead are:

#### **Managing referrals**

The designated safeguarding lead is expected to:

- Refer cases of suspected abuse to the local authority children's social care, as required;
- Support staff who make referrals to local authority children's social care;
- Refer cases to the Channel programme where there is radicalisation concern as required; Support staff who make referrals to the Channel programme;
- Refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
- Refer cases where a crime may have been committed to the Police as required.

#### **Work with others**

The designated safeguarding lead is expected to:

- Liaise with the Head of School to inform them of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;
- As required, liaise with the Head of School and the designated officer(s) at the local authority for child protection concerns in cases which concern a staff member;
- Liaise with staff (especially pastoral support staff, school nurses and SENCOs) on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies; and
- Act as a source of support, advice and expertise for all staff.

#### **Training**

The designated safeguarding lead should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years.

The designated safeguarding lead should undertake Prevent awareness training

In addition to the formal training set out above, their knowledge and skills should be refreshed (this might be via ebulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- Understand the assessment process for providing early help and statutory intervention, including local criterion for action and local authority children's social care referral arrangements;
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;
- Ensure each member of staff has access to, and understands, the school's child protection policy and procedures, especially new and part-time staff;
- Are alert to the specific needs of children in need, those with special educational needs and young carers; Are able to keep detailed, accurate, secure written records of concerns and referrals;
- Understand and support the school with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- Are able to understand the unique risks associated with online safety and be confident that they have relevant knowledge and up to date capability required to keep children safe whilst they are online at school;
- Can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example from online bullying grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online;
- Obtain access to resources and attend any relevant or refresher training courses;
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them.

## **Raising Awareness**

The designated safeguarding lead should:

- Ensure the school's child protection policies are known, understood and used appropriately;
- Ensure the school's child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with The Academy Trust or proprietors regarding this;
- Ensure the child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school in this.
- Link with the three safeguarding partners to make sure staff are aware of training opportunities and the latest local policies on local safeguarding arrangements.

## **Child protection file**

Where children leave the school ensure their child protection file is transferred to the new school as soon as possible. This should be transferred separately from the main pupil file, ensuring secure transit and confirmation of receipt should be obtained.

## **Availability**

During term time the designated safeguarding lead (or a deputy) should always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools, working with the designated safeguarding lead, to define what 'available' means and whether in exceptional circumstances availability via 'phone and or Skype or other such media is acceptable.

It is a matter for individual schools and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.