

LONDON NAUTICAL SCHOOL



Managing Allegations And Concerns Against Staff And Volunteers

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Scope

Any concerns that arise which call into question a person's suitability to work with children, should be managed according to the following procedures. These are based on the framework for dealing with allegations of abuse made against a person who works with children taken from Working Together to Safeguard Children (September 2020) . These procedures should be followed by all organisations and employers that recruit, employ, use or otherwise provide staff to work with children. This will include service providers, voluntary organisations, employment agencies and businesses, contractors and fostering services.

Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

These procedures should be applied with common sense and professional judgement. They cover a wider range of allegations and concerns than those which indicate that a child is suffering or at risk of suffering significant harm. These procedures should be followed when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence, either against or related to a child
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

These behaviours should be considered within the context of the four categories of abuse, which are physical, sexual, emotional abuse and neglect.

Any allegation or concern that arises about a member of staff outside of his/her work environment, that may present a risk to child/ren at his/her work, should also be dealt with in accordance with these procedures as well as any allegations or concerns which would give cause for concern as to the suitability of the member of staff to work with children.

These include concerns relating to inappropriate conduct or relationships between members of staff and children or young people e.g.

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- 'Grooming' i.e. Meeting a child under 16 with intent to commit a relevant offence¹

- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/ e-mail messages or images, gifts, socialising etc
- Possession of indecent photographs/pseudo-photographs of children

All references in this document to 'staff' or 'members of staff' should be interpreted as meaning all workers, whether they are in a paid or unpaid capacity.

Roles and Responsibilities

School Designated Safeguarding Lead (DSL)

has overall responsibility for: -

- ensuring that the organisation deals with allegations in accordance with these procedures
- resolving any inter-agency issues
- liaising with the Lambeth LADO on the subject
- ensuring that appropriate referrals are made

LNS also designates the Headteacher or DSL

- to whom allegations or concerns made against staff should be reported
- a deputy to whom reports should be made in the absence of the designated manager or managers
- receiving details of allegations or concerns made against staff
- allegations or concerns should be referred to the Children's Services Personnel Section in the first instance.

The DSL will be responsible for the operational management of allegations or referrals involving staff, determining whether there should be a strategy meeting or discussion, chairing such meetings, ensuring that decisions taken at strategy meetings are implemented, as well as ensuring that all allegations are investigated and dealt with in accordance with these procedures and their timescales.

Local Authority Designated Officer (LADO)

Lambeth Local Authorities designates an officer(s) to:

- be involved in the management and oversight of individual cases
 - provide advice and guidance to employers and voluntary organisations
-

- oversee liaison with the police 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

The LADO for Lambeth Council is **Andrew Zachariades**

Procedures Relating To Allegations And Concerns Of Abuse

Persons to be notified

As soon as possible after an allegation is made, the designated manager should ensure that the parent(s) or carer(s) of the child/ren involved are informed. In relation to allegations of possible sexual abuse the Council's Child Protection Unit should be consulted first to ensure that this does not impede or compromise the disciplinary or investigative processes.

The parent(s)/carer(s) and the child, if sufficiently mature, should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The designated manager should, as soon as practicable, inform the accused person about the nature of the allegation, and how the matter is to be progressed. Advice should first be sought from the Council's Child Protection Unit as police and/or social care may want to impose restrictions on the information that can be provided.

The member of staff should:

- be treated fairly and openly and helped to understand the concerns expressed and procedures involved
- be told that s/he will be able to respond to the allegation during the course of an investigation, be kept informed of the progress of any investigation, the outcome and any potential disciplinary implications
- if suspended, be kept up to date about relevant events in the workplace

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with progress of the case, information should be closely restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The Police, Council or school should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances e.g. an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

Support

LNS will in consultation with Lambeth Council and/or police, where they are involved, should consider the impact on the child concerned, provide support as appropriate and ensure that the child's needs are addressed.

Organised and Historical Abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with Complex Abuse Procedures^{2*} which, if applicable, will take priority, and consult with the Council's Child Protection Unit.

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person against whom the allegations are made is currently working with children and if that is the case, to consider whether the current employer should be informed.

Whistle-blowing

All staff should be made aware of the organisation's whistle-blowing policy and encouraged to voice any concerns they may have about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter to the LADO.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Some cases will take longer because of their specific nature, or complexity.

Suspension

Suspension is a neutral act and it should not be automatic. It 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
- the allegation is so serious that it might constitute grounds for dismissal
- there is a possibility that the alleged incident may reoccur

The possible risks to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a strategy discussion or meeting is to be held or police are to make enquiries, the employer should canvass the views of the Council's LADO and Human Resources on suspension and inform the employer of the outcome of that consultation. Only the employer has the power to suspend their employee and they cannot be required to do so by any other agency. The DBS Barred List service must be informed.

If, at a later stage, a suspended person is to return to work, the employer should consider what help and support might be appropriate and also how best to manage the member of staff's contact with the child concerned, if still in the workplace, and inform the DBS Barred List service of the employee's return to work.

Resignations and 'Compromise Agreements'

Every effort should be made to reach a conclusion in all cases even if:

- the individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations

It may not be possible to apply any disciplinary sanctions because a person's period of notice expires before the process is complete

'Compromise agreements' where a member of staff may agree to resign provided that disciplinary action is not taken and a future reference is agreed, must not be used without the specific written consent of the LADO.

Initial Response To An Allegation Or Concern

An allegation against a member of staff may arise from a number of sources e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent or carer.

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.

S/he should not:

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

S/he 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 manager, or deputy in his/her absence. In cases where the designated manager is the subject of the allegation a more senior person in the organisation should be informed e.g. Chair of Governors. In these cases the LADO should also be informed of the allegations.
- give an assurance that the information will only be shared on a 'need to know' basis

Initial Action by the Designated Manager

When informed of a concern or allegation, the DSL should not at that stage formally investigate the matter or interview the member of staff, child concerned or potential witnesses. He/she should:

- obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult) making the allegation
- countersign and date the written details
- record any information about times, dates, location and nature of incident(s) and names of any potential witnesses
- obtain written details from the adult making the allegation and any witnesses still available about times, dates, location and nature of the incident(s)
- record all discussions with internal, external agencies, parents/carers about the child and/or member of staff, any decisions made, and the reasons for those decisions

If, in the judgement of the DSL, the allegation meets the criteria in paragraph 3 he/she should report it to the Council's Child Protection Unit within 1 working day who will immediately initiate a strategy discussion. Referral should not be delayed in order to gather additional information. A failure to report an allegation or concern in accordance with this timescale and these procedures will be regarded as a potential disciplinary matter.

If an allegation is serious, requires immediate attention and is received outside normal office hours, the designated manager should immediately make a referral to the LADO or local police as soon as possible.

If a worker in Children's Specialist Services receives an allegation s/he should report it to the designated manager who should then report it to the Council's Child Protection Unit.

Initial Consideration by the Designated Manager and the Council's Child Protection Unit

There are up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- Children's Specialist Services enquiries and/or assessment as to whether a child is in need of protection or services i.e an enquiry under S47 of the Children Act 1989.
- consideration by an employer of disciplinary action

The Council's Child Protection Unit and designated manager should consider first whether further details are needed and whether there is significant doubt as to the authenticity of the allegation.

If there is cause to suspect that a child has suffered or is likely to suffer significant harm, the Council's LADO / Child Protection Unit should convene a strategy meeting in appropriate cases.

The police must be informed of any case in which a criminal offence may potentially have been committed whether or not the threshold for significant harm appears to have been reached. The LADO will then discuss with the police whether a strategy meeting should take place to include the employer and other agencies involved with the child and whether the police should also attend.

Strategy Meeting

The Council's Child Protection Unit will determine whether a strategy meeting should take place. On most occasions a telephone discussion should take place to clarify information. On some occasions where the information and course of action to be taken is clear and a S47 enquiry is not required, it may only be necessary to have a strategy discussion. In no circumstances should the accused person or the child be invited to attend the strategy meeting.

The following is a list of possible participants in a strategy meeting:-

- Child Protection Co-ordinator (to chair)
- Relevant social worker and his/her manager
- Detective sergeant (CAIT)
- Designated manager for the employer concerned
- Human resources representative
- Legal adviser where appropriate
- Senior representative of the employment agency or voluntary organisation if applicable
- Manager from the fostering service provider when an allegation is made against a foster carer
- Supervising social worker when an allegation is made against a foster carer
- Those responsible for regulation and inspection where applicable e.g. Ofsted

- Education Welfare Officer
- Consultant paediatrician
- Where a child is resident in the area of another authority, representative(s) of relevant agencies in that area
- Health visitor and other relevant health professional
- Complaints officer if the concern has arisen from a complaint

In all cases where it is decided that a strategy meeting will not take place, further strategy discussions should occur either face to face or by telephone to determine how the allegation is to be progressed.

The strategy meeting should:

- be held within 48 hours of the strategy discussion
- decide whether there should be a s.47 enquiry and/or police investigation and consider the implications
- 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
- consider whether a complex abuse investigation is appropriate
- plan enquiries if needed, allocate tasks and set appropriate time-scales
- decide what information should be shared, with the child, the parent, the referrer and the accused, in what circumstances and when
- considers whether the matter should be progressed by making Children's Specialist Services enquiries and/or an assessment of whether a child is in need of protection
- consider whether suspension and/or a disciplinary investigation is appropriate

The strategy 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

- make recommendations where appropriate about the investigative processes including whether they can be conducted in parallel and agreeing protocols for sharing information
- 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 designated officer, having regard to the target timescales
- consider issues for the attention of senior management e.g. media interest, resource implications
- consider reports for consideration of barring
- consider undertaking risk assessments to inform the employer's safeguarding arrangements
- agree dates for future strategy discussions

A final strategy discussion should be held to ensure that all tasks have been completed and, where appropriate make recommendations for future practice.

Allegations against staff in their personal lives

If an allegation or concern arises about a member of staff, outside of his/her work with children, and this may present a risk to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will apply.

The strategy discussion should decide whether and at what stage the concern justifies:

- approaching the member of staff's employer for further information, in order to assess the level of risk; and/or
- including the employer in a further strategy discussion or meeting about dealing with the possible risk

If the member of staff lives in a different authority area to that which covers his/her workplace, liaison will take place between the relevant agencies in both areas.

In some cases, an allegation of abuse against someone closely associated with a member of staff e.g. partner, member of the family, or other household member, may present a risk to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting should be convened to consider:

- the ability and/or willingness of the member of staff to adequately protect the child/ren
- whether measures need to be put in place to ensure their protection
- whether the role of the member of staff is compromised

Disciplinary Process

Disciplinary or Suitability Process and Investigations

The Council's Child Protection Unit and the designated manager should discuss whether a disciplinary investigation is appropriate in all cases where:

- it is clear at the outset or decided by a strategy discussion that a police investigation or LADO enquiry is not necessary, or
- the employer or local authority 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 Children's Specialist Services
- the result of any investigation or trial
- the different standard of proof in disciplinary and criminal proceedings

In the case of supply, contract agency and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of referral to the DBS list or other action.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record, including the account of the person who is the subject of the allegation, in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children and whether the allegation is founded or not.

If, at any stage, new information emerges which indicates that a child protection referral should take place, a further discussion should occur with LADO and the police. A review of the investigation progress should be considered as well as whether suspension is appropriate in light of the new information

The investigating officer should aim to provide a report within the timescale agreed at the strategy meeting.

On receipt of the report the employer should decide, within 3 working days, whether a disciplinary hearing should be convened. If a hearing is required, it should be held within 15 working days. If formal disciplinary action is not appropriate, the employer should institute appropriate action within 3 working days.

Sharing Information for Disciplinary Purposes

Wherever possible police and Children's Specialist Services should, during the course of their investigations and enquiries, obtain consent from their witnesses to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer within 3 working days.

If the person is charged with a criminal offence, the police should inform the employer straight away so that appropriate action can be taken. The police should forward the employer a copy of the charge sheet and inform the employer of the date and details of the court appearance so that attendance at the trial can be arranged as appropriate.

Record Keeping And Monitoring Progress

Record Keeping

The school will keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

Monitoring Progress

The LADO and Police will monitor subsequent progress.

Unsubstantiated And False Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the LADO should write to the designated DSL of the school with sufficient information and with recommendations as to what further action, if any, should be taken. The LADO should inform the parent or carer of the child and complainant about the outcome of the investigation.

False allegations are rare and may be a strong indicator of other abuse against the child which would require further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO should refer the matter to Lambeth Council to determine whether the child is in need of other specialist services.

Referral To List 99, DBS Barred List Or Regulatory Body

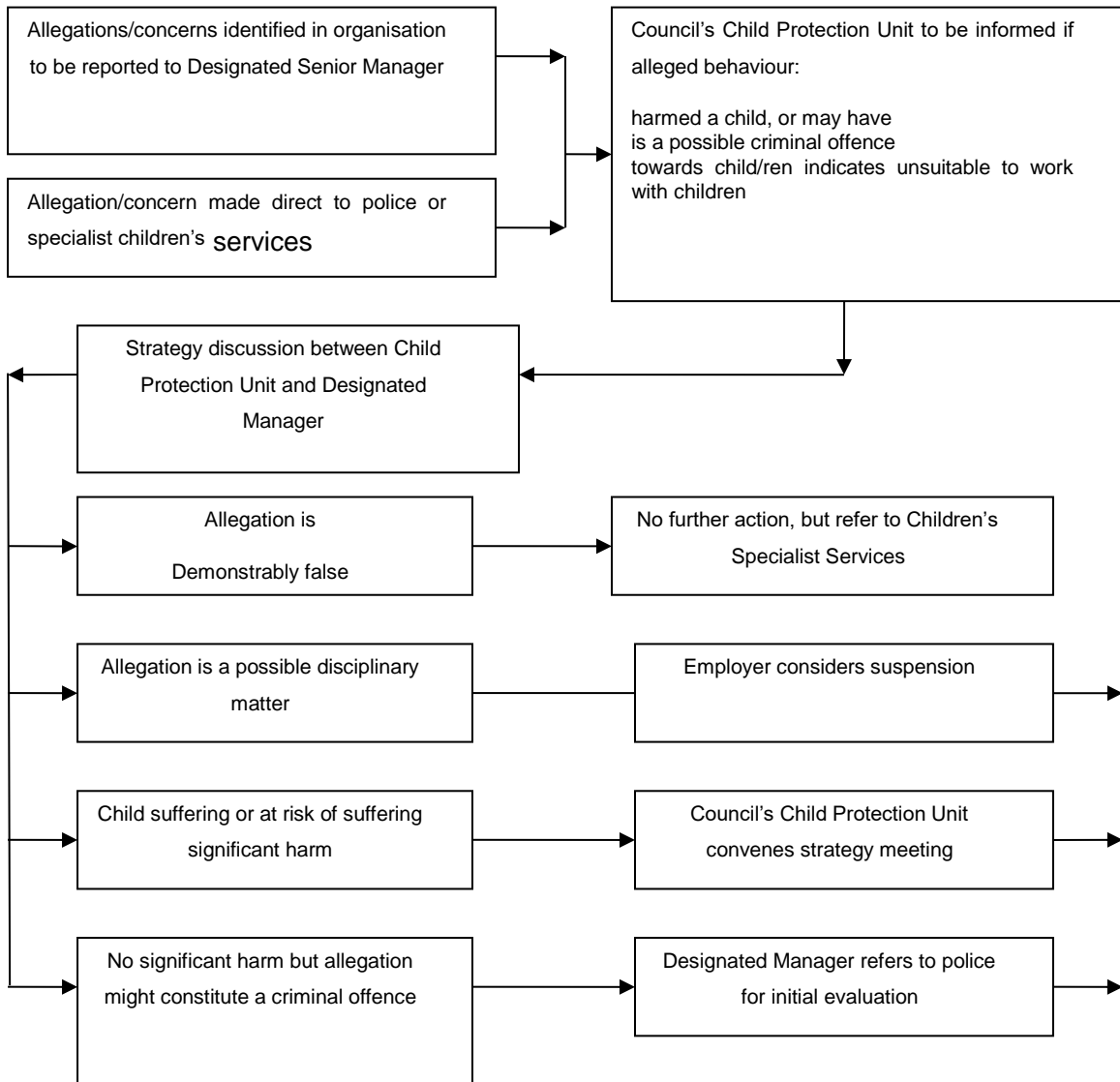
If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the DfES List 99 or DBS Barred Service List and/or a regulatory body e.g. the General Teaching Council or General Medical Council. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children. The LADO should be informed of all such referrals.

If a referral is to be made, it should be submitted as soon as possible and in any case within 1 month.

LEARNING LESSONS



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