

### **1.0 Introduction**

Adults working in a school such as Chaigeley are uniquely placed, as responsible adults outside children's family homes, to be able to detect signs of child abuse. Because of our day-to-day contact with children in the school, we have a positive role in child protection, being able to observe outward signs of abuse, changes of behaviour or failure to develop. At the same time, because of that daily contact, we are ourselves open to accusations of abuse. Our relationships with children may lead to allegations being made by children or home carer(s). These allegations may be false, malicious or misplaced, and may be either deliberate or innocent of such intent. However, it is regrettably the case that some workers in institutions similar to Chaigeley have been found to have committed such abuse. A sound policy and procedure on the management of such situations is essential for only then can staff be certain of a fair and professional hearing should such allegations be made against them. The purpose of this document is to provide such reassurance.

### **2.0 Working Together**

- 2.1 'Working Together', the inter agency guide to arrangements for protecting children from abuse, advises investigating agencies that the difficulties of assessing the risk of harm to a child should not be underestimated. Further, it is imperative that everyone who deals with allegations of abuse maintains an open and inquiring mind. Agencies are also warned that, although there is obvious need to act with speed and decisiveness in cases where there is reasonable cause for suspicion that a child may be in acute physical danger, the potential for damage to the long-term future of the child by precipitate action should also always be considered. Agencies are counselled that there must be confidence that they will act in a careful measured way when suspicions are brought to their attention.
- 2.2 In the same way, an over hasty decision immediately to suspend a staff member when an allegation of abuse is made, without any initial assessment of whether there is substance to the allegation or not, can have a substantial detrimental effect upon a employee's career and can prove to be a traumatic experience for the employee concerned.
- 2.3 In investigating allegations, senior staff will seek to balance these substantial concerns while bearing in mind the primary concern of all, the well being of children placed within the school.

### **3.0 Procedure to be followed after an allegation of abuse**

- 3.1 If an allegation is made against a worker, it must be brought to the immediate attention of the designated senior person i.e. the Principal, Toni Bailey, Lil Oakes or Anne Oldham. On the rare occasions when none of these designated people are available, the matter should be brought to the attention of the Heads of Education.
- 3.2 If an allegation of abuse is made against a worker, the Principal as the Designated Safeguarding Lead (DSL) will immediately consider whether a child or children is/are at risk of significant harm and in need of protection. If this appears to be the case, there will be an immediate referral to the Warrington Safeguarding Children's Board (WSCB). Immediate consideration will also be given to any need for medical assistance and for seeking medical evidence of suspected or alleged abuse in accordance with the WSCB Procedures.

- 3.3 Children who report that they have been abused by a worker must and will be listened to. Listened to means just that; on no account will suggestions be made to children as an alternative explanation to their worries.
- 3.4 A worker hearing an allegation against a colleague is under an obligation to process the matter and should aim to involve the child in any decision to take the allegation further. Where a child says he/she does not wish to take an allegation further, this does not negate the worker's responsibility to bring the matter to the attention of the Principal (as above 3.1).
- 3.5 It is not possible for staff to promise total confidentiality to children who disclose allegations. Staff must make clear to any child approaching them and asking for total confidentiality that, in some circumstances, they may be bound to pass on information. However, it is not unreasonable to promise that if circumstances arise where information has to be passed on, the child will be told of this.
- 3.6 Having heard an allegation, staff members should take any immediate action necessary to ensure child protection under WSCB procedures. If they are in any doubt whatsoever, the matter should be brought to the immediate attention of the Principal (as above).
- 3.7 Should the allegation concern the Principal, it should be brought to the attention of the Deputy Designated Safeguarding Leads, who will investigate in accordance with these guidelines and consider whether to bring the matter to the attention of the Chair of the Governing Body.

#### **4.0 Urgent initial assessment of whether there is substance to an allegation**

- 4.1 Where an allegation is made against a worker, there will be an urgent initial assessment by the DSL of whether or not there is sufficient substance in an allegation to warrant an investigation.. The Principal may at this time seek advice from external agencies to the school i.e. Social Services, LADO, WSCB. It is important to recognise that establishing whether an allegation warrants further investigation is not to form a view of whether an allegation is to be believed.
- 4.3 It would be difficult to say that any allegation did not warrant further investigation unless it was either trivial or demonstrably false. Any subsequent investigation will be aimed at establishing whether the allegation can be substantiated. Confidentiality will be maintained throughout this stage in order that any subsequent investigation is not prejudiced.
- 4.4 Immediately an allegation is made, the Principal will initiate as necessary the following action:
- (a) Obtain details of the allegation in writing (as appropriate on a school Serious Incident Sheet or Complaint Form, see Appendix (i)), signed and dated or, where not practicable, obtain a written record of the discussion with the child or home carer(s) from the member of staff to whom the allegation is made. However presented, this written record should cover all the points raised by the child or home carer(s) and should be signed and dated by home carer(s)/child making the allegation and the staff member to whom the allegation was made. Where allegations of abuse are referred, subsequent investigation will be in accordance with the LADO WSCB procedures. Early investigation by the Principal as DSL to establish the nature of the allegation and to make an initial assessment will be undertaken in such a way as not to prejudice any subsequent investigation.
- (b) Undertake initial enquiries as a matter of urgency to check the practical details of the allegation and to establish the facts including such matters as dates, timings, etc. This assessment is not an investigation to determine guilt or innocence. It may, however, involve making enquiries of staff or children on a confidential basis. The nature of such enquiries might include, for example: were the child and adult in contact on that day; were there any witnesses; precise times, dates, locations. A written record of these factual matters will be made as they unfold.
- (c) The Principal as DSL will make a decision whether or not further action is necessary.

- 4.5 Where the Principal believes that the allegation is without foundation, s/he will:
- i. consider whether the child may have been abused by someone else;
  - ii. take no further action under child protection/safeguarding or disciplinary procedures in relation to the staff member concerned;
  - iii. inform the employee of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures;
  - iv. consider whether formal professional advice to the staff member is appropriate and the form it might take;
  - v. inform the home carer(s) (and involved agencies) of the child/children of the allegation and the outcome; and
  - vi. consider appropriate counselling and support for the child/children who made the allegation(s), and where appropriate, their home carer(s); in particular, taking into account a child's special needs where a false or malicious allegation seems to have been made;
  - vii. prepare a report, setting out in conclusion that the allegation is without foundation and explaining why.

4.6 Where the Principal believes that it is necessary to further investigate an allegation, s/he will:

- i. **EITHER** make a referral to one or more of the agencies with statutory duties and/or powers to investigate and intervene, that is: the Police, LADO, Social Services. Such referral will be made according to WSCB Procedures and will be made by either the Principal as the DSL;

**OR**, where wholly satisfied that the child/children is/are not at risk of significant harm, or that a reportable criminal offence has not been committed, undertake further investigation at school level prior to considering the appropriateness of disciplinary action;

- ii. Inform the child/children of home carer(s) making the allegation and explain the likely course of action;
- iii. Ensure that the child's home carer(s) are informed of the likely course of action;
- iv. Inform the staff member against whom the allegation is made and explain the likely course of action;
- v. Inform the Chair of the Board of Governors.

## **5.0 Police Involvement**

5.1 In some cases the Police may wish to interview a worker against whom an allegation is made before any approach by the Principal. The Police may act independently of the School, particularly where the alleged offence is unconnected with a staff member's professional life.

5.2 Police officers should be given every assistance with their enquiries but confidentiality about their enquiries should be maintained in the best interests of the worker under investigation.

## **6.0 Suspension of a staff member against whom an allegation has been made**

6.1 The Principal will not automatically suspend a worker against whom an allegation is made unless the initial assessment of the allegation suggests that further investigation is clearly necessary. Before taking such action the Principal will discuss the matter with the Chair of Governing Body.

6.2 Suspension may be considered at any stage of the investigation. However, suspension will not be undertaken without good cause. Such cause might be where:

- the allegations are so serious that dismissal for gross misconduct is possible;
- it is necessary for the conduct of the investigation to proceed unimpeded;
- where children are at risk.

6.3 In all cases where suspension is being considered, the Principal will so advise the worker concerned at the earliest reasonable opportunity. The staff member so informed should immediately seek legal and/or professional advice as s/he sees appropriate.

## **7.0 Where no action is taken to suspend**

7.1 The Principal will explain to the employee concerned the circumstances which led to consideration of suspension and any follow-up action which it is proposed to take. According to the circumstances of the case, appropriate assistance or advice may be offered to the staff member. The Principal will seek to establish what support, if any, is required.

7.2 If the worker has not been suspended but the Principal still has concerns about aspects of her/his conduct, a full investigation will be undertaken before making a decision about further action under disciplinary procedures.

## **8.0 An interview to consider suspension**

8.1 Where suspension of a staff member is being considered, an interview will be arranged in accordance with the following guidelines.

- (a) An employee called to an interview where suspension is a likely outcome will be advised that this is the case, in advance, by the Principal. At the interview, the staff member will be informed, at the outset, that an allegation has been made and that, at the conclusion of the interview, suspension might occur. The employee may, at any point of the meeting, ask for a brief adjournment to consider her/his position. However, it should be made clear here, and will be made clear at any such interview by the Principal, that such an interview is not a formal disciplinary hearing but is for the purpose of putting forward a serious matter which may lead to suspension and further investigation.
- (b) The staff member will be given as much information as possible about the allegation and about the reasons for suspension so far as is consistent with child protection/safeguarding procedures. S/he will be given an opportunity to make representations concerning the suspension unless the nature of the investigation does not permit this.
- (c) If, as a result of the interview, it is considered by the Principal that suspension is necessary along with a full investigation of the allegation, the employee will be advised that s/he is suspended from duty. Written confirmation will be dispatched within one working day, giving reasons for the suspension.

8.2 Where a staff member has been suspended, the Principal will so inform the Chair of Governing Body. It is inadvisable for the Principal to provide more than the minimum information necessary to the Chair of the Governing Body since this might prejudice Governors' impartiality in any subsequent hearing or appeal in any disciplinary proceedings.

8.3 The home carer(s) of the child/children concerned will normally be informed, so far as is consistent with child protection/safeguarding procedures. Senior staff in the school who need to know of the reason for the suspension will also be informed so far as is necessary in the particular circumstances.

- 8.4 The Principal will take a decision on informing other staff within the school of the suspension. This decision will take into account the extent to which it is necessary to make a statement to home carer(s) of children in the school or any involved outside agency.
- 8.5 In certain circumstances, it may be necessary for the Principal to provide immediate reassurance to home carer(s) and children in the school and there may be a need for information to continue to be provided during the course of an investigation to home carer(s), children and other colleagues. The Principal will seek guidance on these matters as necessary, from the LADO, WSCB, Ofsted Inspection Team, appropriate senior local authority officials and from social services and the police.
- 8.6 The Principal will consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. Under such circumstances the Principal will take advice from those agencies listed in 8.5 above as necessary.

#### **9.0 Support for the worker during the period of suspension.**

- 9.1 Social contact with the employee's colleagues and friends at the school will not be precluded except where likely to be prejudicial to the presentation of evidence. However, it is clearly inadvisable for the suspended employee to seek contact with any colleague materially involved in the allegation or investigation.
- 9.2 Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, arrangements will be made for the employee, or her or his representative, to be contacted with information on progress and developments. These arrangements do not preclude the employee, or her/his representative, contacting the investigation team.
- 9.3 In some cases, it may be appropriate to ask the employee whether counselling or other forms of support would be helpful. Attention is brought to the existence of the Staff Counselling Scheme.

#### **10.0 Support for others concerned**

- 10.1 Consideration will also be given to what support may be needed for the child/children making the allegations and their home carer(s). Consideration will also be given to what support may be needed for others at the school, both staff and children.

#### **11.0 The investigation**

- 11.1 There will be three possible routes for an investigation to take: (a) investigation by the police; (b) investigation under local child protection/safeguarding procedures; (c) action considered under the school's disciplinary procedures
- 11.2 Any investigation by the police or child protection agencies will take priority over an internal investigation. An internal investigation running alongside a police or child protection agency enquiry is not likely to be good practice and may be held in abeyance.

#### **12.0 Outcome of the investigation**

The outcome of an investigation by police or under local child protection/safeguarding procedures is a matter for those agencies and it is not appropriate for comment on such matters to be made here. In the case of consideration under school disciplinary procedures, the following outcomes are possibilities.

- 12.1 At the end of the investigation, a meeting will be arranged to inform the employee of the next steps. An employee may be accompanied or represented by her/his professional organisation or by a friend.
- 12.2 If the outcome is a disciplinary charge, further action will be in accordance with the school's disciplinary procedures.
- 12.3 Where it is decided not to proceed with any form of disciplinary action, any suspension will be lifted as soon as possible. The Principal will meet the worker concerned to discuss a return to work.
- 12.4 Other than in the event of dismissal, the Principal will provide the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and to help rebuild, where necessary, an employee's confidence. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options.
- 12.5 On the conclusion of any investigation and any related proceedings, the child or children who made the allegations and their home carer(s) will be informed of the outcome of the proceedings. This will be prior to an employee's return to school if suspended. In some circumstances, consideration will be given to the broader disclosure of details of the outcome, together with reasons, for example, where the issues are of general importance, have become common knowledge or are the subject of gossip and there is a need to provide accurate details for public information.
- 12.6 Appropriate counselling and support will be offered to the child or children who made the allegations and, where appropriate, their home carer(s). In particular, this will take into account a child's special needs where a false or malicious allegation has been made.

### **13.0 Records**

- 13.1 Documents relating to an investigation will be retained, together with a written record of the outcome of the investigation and, where disciplinary action has been taken retained on a child's personal and confidential file in accordance with the school's disciplinary procedures.
- 13.2 If the employee is dismissed, or resigns before a disciplinary process is completed, the Principal will inform the worker about the employee's statutory duty to report the case to the Department for Education Teacher Misconduct Section and the ISA who is responsible for Vetting & Barring Scheme
- 13.3 Where a child has made an allegation, a copy of the statement or the record made of it will be kept on the section of a child's personal file which is not open to disclosure, together with a written record of the outcome of the investigation.