

Allegations Against Staff Policy

*Allegations against staff, supply staff, volunteers or other adults*

Updated by Director of Inclusion/Safeguarding and approved by trustees:October 2022.

Reviewed at least annually.

**1. Introduction and principles**

There may be occasions when a pupil or adult makes an allegation against a member of staff, supply teacher, volunteer or other adult. There are two aspects to consider when an allegation is made:

1. Looking after the welfare of the child and ensuring that the child is not at risk
2. Investigating and supporting the person subject to the allegation.

When dealing with allegations, schools should:

* apply common sense and judgement;
* deal with allegations quickly, fairly and consistently; and
* provide effective protection for the child and support the person subject to the allegation.

All staff are expected to recognise the importance of confidentiality without compromising the need to refer safeguarding concerns.

**NB:** Keeping Children Safe in Education refers and sets out in specific detail the particular risks that may arise when employing supply teachers. Headteachers, DSLs and those involved in recruiting and managing supply teachers should make themselves familiar with this guidance.

**2. Referring allegations to the Local Authority Designated Officer (LADO)**

Each local authority appoints a LADOwhois responsible for managing all child protection allegations made against staff and volunteers who work with children in their area.

The LADO must be consulted within 24 hours if there are concerns that a worker (member of staff, supply teacher or volunteer) has done any of the following inside or outside of school:

* Behaved in a way that has, or may have, harmed a child;
* Possibly committed a criminal offence in relation to a child; or
* Behaved towards a child in a way that indicates they may pose a risk of harm to children;
* Behaved or may have behaved in a way that did not involve children, but indicates they may not be suitable to work with children (this is known as a Transferable Risk).

**How to make a LADO referral:** **Contact details for each school’s LADO, and a link to the LADO referral form, are on the front of the Q1E Child Protection and Safeguarding policy.**

* Allegations about a staff member, volunteer or supply teacher should be referred to the Designated Safeguarding Lead (DSL) and Head. The DSL/Head will refer to the LADO.
* Allegations about a Head/Executive Head should be referred to the CEO and the Trust’s safeguarding lead, or direct to the LADO.
* Refer allegations about the CEO to the Chair of the Trust Board and the Trust’s safeguarding lead, or direct to the LADO.

The person referring the allegation to the LADO should discuss the nature, content and context of the allegation with the LADO, agree the course of action to be taken, and normally assign a case manager within the school. The case manager’s role is to:

* manage and minimise the stress caused by the allegation
* inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary
* advise the individual to contact their trade union representative, or a colleague, for support
* appoint a named representative to keep the person informed about the progress of the case
* provide access to counselling or medical advice where appropriate, and,
* not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

**3. Other referrals that may need to be made**

* Immediate referrals to children’s social care:Where the school identifies that a child has been harmed, or there may be an immediate risk of harm to a child, they should contact children’s social care immediately. **How to make a referral to social care:** Details for children’s social care in your area can be found on the front of the Q1E Child Protection and Safeguarding Policy.
* Referrals to the police:If the situation is a safeguarding emergency, the school should contact the police immediately. If there is an allegation about someone who no longer works at the school, contact the police rather than the LADO. **How to contact police:** In an emergency, always call 999. In a non-emergency situation, call 101 or report online: [www.police.uk/pu/contact-the-police/report-a-crime-incident/](http://www.police.uk/pu/contact-the-police/report-a-crime-incident/).
* Referrals to the Disclosure and Barring Service (DBS):Employers are legally required to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. If the allegation is substantiated. but the person has left (i.e. the person is dismissed, resigns, or the school/trust ceases to use the person’s services) then the school still has a legal duty to make a referral to the DBS, so that they can consider whether the person is required to be included on the barred lists. **How to make a DBS referral:** [www.gov.uk/guidance/making-barring-referrals-to-the-dbs](http://www.gov.uk/guidance/making-barring-referrals-to-the-dbs)
* Referrals to the Teaching Regulation Agency (TRA): For teaching staff, the school mustalso consider whether to refer to the TRA, to consider prohibiting them from teaching. **How to make a TRA referral:** [www.gov.uk/government/collections/teacher-misconduct#referrals](https://www.gov.uk/government/collections/teacher-misconduct#referrals)
* Referrals to Ofsted: Concerns about Early Years staff must also be referred to Ofsted.

**4. ‘Low level’ concerns**

**You should always report even ‘low-level’ concerns about a member of staff, supply staff, volunteer or contractor**, so that any potential patterns of inappropriate behaviour can be identified**.** Low-level concerns could include, but are not limited to:

* being over friendly with children;
* having favourites;
* taking photographs of children on a personal mobile phone;
* engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
* using inappropriate sexualised, intimidating or offensive language.

The Staff Code of Conduct sets out further details of what conduct is and is not acceptable.

**How to report a low level concern:** All low-level concerns should be reported to the DSL or the head. If they are reported to the DSL, the DSL should inform the head in a timely fashion according to the nature of the concern.The head is the ultimate decision maker on the course of action to be taken, although he/she may wish to consult with the DSL. Low-level concerns about supply staff and contractors will be notified to their employers. **If there is any doubt as to whether something is a low-level concern or in fact meets the harm threshold, the school should consult with their LADO.**

**5. Unsubstantiated allegations**

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it, consulting HR for advice.

**6. Whistleblowing**

# Concerns about the school/trust can be raised through the process set out in the Q1E Whistleblowing Policy. Whistleblowing is the act of telling the authorities or the public that the organisation you work for is doing something immoral or illegal, and which is in the public interest.

**Appendix A: Managing allegations against staff: Flow Chart**



**Appendix B: Managing low level concerns: Flow Chart**





**Appendix C: LADO referral form: Wandsworth**

**AGENCY REPORTING FORM FOR ALLEGATIONS AGAINST STAFF AND VOLUNTEERS WORKING WITH CHILDREN WITHIN THE LONDON BOROUGH OF WANDSWORTH**

**WHEN TO USE THIS FORM**

This form must be filled in and sent to the Wandsworth MASH in every case where it is alleged or there are concernsthat a person working with children has:-

* Behaved in a way that has harmed a child or may have harmed a child
* Possibly committed a criminal offence against or related to a child
* Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
* Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Every incident should be recorded on this form and reported to the Wandsworth MASH.

If you are unsure as to whether the incident or concern needs to be referred, please ring the LADO to discuss. The LADO can be contacted on LADO@richmondandwandsworth.gov.uk or LADO@wandsworth.gov.uk – or 0208 8717440

If the matter is serious or there are **immediate** concerns for the child’s safety or wellbeing, the referral must be made to Wandsworth MASH. MASH@wandsworth.gov.uk – 0208 8716622

If you do not have any relevant information for specific sections, please make this clear.

All allegations must be reported to the Wandsworth MASH within 24 hours.

You will be asked to provide associated relevant documentation once the information has been evaluated by the LADO. You will be advised regarding the appropriate action to be taken.

**AGENCY Details**

|  |  |
| --- | --- |
| Date of referral |  |
| Referrers name |  |
| Referrers job title |  |
| Place of work & address |  |
| Tel number |  |
| Email  |  |
| Best contact times |  |
| Who is your Designated Manager/Child Protection Lead |  |
| If a school, please give contact details of Head and Chair of Governors |  |
| Status of organisation e.g. LA, private, voluntary, etc |  |
| Who is your HR lead for allegations against staff |  |

**Allegation Details**

|  |  |
| --- | --- |
| Date of alleged incident |  |
| Date allegation reported to referrer |  |
| Category of Abuse Alleged – please tick |

|  |  |  |  |
| --- | --- | --- | --- |
| Physical | Emotional | Sexual  | Neglect |
|  |  |  |  |

 |
| Does this referral concern mishandling of medication – if so, please give details of medication concerned and purpose of the medication |  |
| Who has made the allegation e.g. child, parent, other professional etc |  |
| How was the allegation e.g. in person, by phone, letter and to whom |  |
| Who else has been informed regarding allegation |  |
| Full details of allegation  |  |
| Where is it alleged the incident took place |  |
| What action if any has been taken regarding the allegation |  |
| Is there an allegation of an injury and if so please describe |  |
| Has a member of staff seen the injury, if so, they may be asked to complete a body map diagram |  |
| If injury has parent been advised to take child to GP and if so, have they done so? |  |
| Are written incident reports available and if so by whom; please supply  |  |
| Are there witnesses to the alleged incident; please give details |  |
| If there has been a delay in reporting the allegation state why |  |
| Are the parents/carers of the child aware of the allegation and if so state when /their views |  |
| Is the child aware of the referral and if so when, and what their views are |  |
| Did an allegation of physical abuse follow an authorised / unauthorised restraint?  | Yes No |
| If the allegation relates to restraint has staff member had Team Teach or similar training and when |  |

**Details of person/s subject to the allegation** please repeat box if more than one person

|  |  |
| --- | --- |
| Person subject to allegation known /unknown |  |
| First name |  |
| Surname |  |
| Title |  |
| Job title |  |
| DOB |  |
| Home address |  |
| Ethnicity |  |
| Length of employment |  |
| Date of last DBS |  |
| Details of references taken up |  |
| What is the status of the employment e.g. f/t, p/t, agency, volunteer etc |  |
| If agency etc please give contact details |  |
| Have they been subject to previous allegations and if so, please provide full details |  |
| Are there any other concerns/issues of relevance regarding this person |  |
| Does this person work in any other capacity with children either paid/unpaid? |  |
| Does this person have children of their own? If so, please provide name(s), DOB(s) and address details |  |
| Has the person been suspended/advice taken from HR |  |

**Details of potential victim/child** please repeat box if more than one child

|  |  |
| --- | --- |
| Alleged victim known or unknown/no victim |  |
| First name |  |
| Surname |  |
| DOB |  |
| Gender |  |
| Ethnicity/Religion |  |
| Home address/tel. |  |
| Parent’s/carers names/contact details |  |
| Who has PR for the child |  |
| First language of child and parents/carers – is an interpreter required |  |
| Issues of disability/communication/literacy for child or parent/carer |  |
| Any other family members/significant persons for this child |  |
| Has the child made a previous allegation and if so, please give details |  |
| Is/has this child been Looked After or subject to a Child Protection Plan, Child in Need Plan |  |
| GP / Health Visitor / School Nurse details |  |
| Are there any known concerns about this child / young person |  |
| Other information of relevance re this child and the allegation |  |

**Please give details of any other information of relevance**

|  |
| --- |
|  |

**Referrer’s name:**

**Referrer’s signature:**

(please add electronically)

**Date:**

**Appendix D: LADO referral form: Bromley**



**Allegations against staff or volunteers who work with children**

**Referral form to the Local Authority Designated Officer (LADO)**

A referral needs to be made within **24 hours** of it becoming known that an allegation has been made that a person who works with children has:

* Behaved in a way that has harmed, or may have harmed a child
* Possibly committed a criminal offence against, or related to a child
* Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

**This referral form must be completed and emailed to:**

LADO@bromley.gov.uk

**If you are unsure about whether a referral should be made or have a concern about a member of staff or volunteer in relation to their behaviour at work or in their private life, the LADO can be contacted for consultation/advice.**

**Email:** LADO@bromley.gov.uk **Telephone:** 020 8461 7775 **Mobile** 07850 921 631

*For child protection enquiries that are not related to an allegation against staff or volunteers who work with children, please call Bromley MASH on* ***020 8461 7373/7379/7026*** *or email****mash@bromley.gov.uk******,*** *outside office hours* ***0300 303 8671.*** *If you think a child is at immediate risk of significant harm phone the Police.*

**Details of the person against which the allegation, complaint or concern has been made:**

|  |  |
| --- | --- |
| **Full name** |  |
| **Date of Birth & Gender** |  |
| **Ethnicity, Religion & Language** |  |
| **Home Address & Tel** |  |
| **Role/ Job title** |  |
| **Name of the setting where the person works** |  |
| **Is the person an employee/volunteer or agency worker** |  |
| **If an agency worker, what are the contact details for the agency?** |  |
| **Length of service in current post** |  |
| **When was the person last DBS checked? Was it clear?** |  |
| **Are there any previous allegations, complaints or concerns in relation to this person (not necessarily safeguarding related)? Give Details** |  |
| **Does this person have contact with children in any other capacity inc. as parent? Give details** |  |
| **Is the person aware that an allegation, complaint or concern has been raised? Their view?** |  |

**Details of the child/ young person subject of the allegation, complaint or concern:**

|  |  |
| --- | --- |
| **Full name** |  |
| **Date of Birth & Gender** |  |
| **Ethnicity, Religion & Language** |  |
| **Home Address** |  |
| **Parent/carers names and contact details** |  |
| **Names and dates of birth of any siblings.** |  |
| **Has the child/young person made any previous allegations?** |  |
| **Does the child/young person have a social worker? Give details** |  |
| **Does the child/young person have any Special Needs? If so, what?**  |  |

**Details about the allegation, complaint or concern:**

|  |  |
| --- | --- |
| **Date and time of the alleged incident** |  |
| **Person/agency initially receiving the allegation, complaint, or concern and when?** |  |
| **Where did the incident take place?** |  |
| **Brief description of the incident?** |  |
| **Does the child/ young person have an injury or experienced harm?**  |  |
| **Was the alleged incident witnessed? If so, give name, role and contact details of the witnesses.** |  |
| **Have the parents/carers of the child been informed? Their view?** |  |
| **What safeguarding measures are currently in place?** |  |
| **If a crime has been committed has it been reported to the police? If so, when and what is the CRS #?** |  |

**Details of the person completing this form:**

|  |  |
| --- | --- |
| **Name** |  |
| **Agency** |  |
| **Role/Job Title** |  |
| **Contact Number** |  |
| **Email Address** |  |
| **Date of Referral to LADO** |  |

*Please list the contact details & role of those who would need to be invited to an ASV (Allegations against Staff and Volunteers Meeting*:

|  |
| --- |
| **Actions Taken by Employer/LADO Advice** |
|  |

|  |
| --- |
| **Outcome of Internal Management Investigation/Decision of LADO & Rationale**  |
|  |