

# *Little Acorns School*

## *Handling Allegations and Suspicions of Harm Policy*

**Date Reviewed: May 2024**

**Due to be reviewed: May 25**

**Outcome:**

***Investigations into allegations or suspicions of harm are handled fairly, quickly, and consistently in a way that provides effective protection for children, the person making the allegation, and at the same time supports the person who is the subject of the allegation.***



The procedure to be followed in the event of an allegation of abuse or neglect must, in particular—

- (a) provide for liaison and co-operation with any local authority which are, or may be, making a child protection enquiry in relation to a child accommodated in the home;
- (b) provide for the prompt referral of an allegation about current or ongoing abuse or neglect in relation to a child to the placing authority and, if different, the local authority in whose area the home is located;
- (c) provide for the prompt referral of an allegation about past abuse or neglect in relation to a child to the placing authority and, if different, the local authority in whose area the alleged abuse or neglect occurred;
- (d) provide for records to be kept of an allegation of abuse or neglect, and the action taken in response;
- (e) describe the measures which may be necessary to protect children following an allegation of abuse or neglect; and
- (f) describe how and to whom staff are to report, without delay, any concern about abuse or neglect of a child.

## **Defining an Allegation:**

The criteria applied to defining an allegation is when it is alleged that a person who works 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; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

There may be up to three strands in the consideration of an allegation:

1. A police investigation of a criminal offence.
2. Enquiries and assessment by Kent Children's Social Services about whether a child is in need of protection or in need of services.
3. Consideration by an employer of disciplinary action in respect of the individual.

## **Initial Considerations:**

Whenever an allegation is made against a professional by a child, the Designated senior members of staff responsible for safeguarding within Little Acorns School are Alison Neal (Head teacher/Deputy DSL) and Joanna Curley (Deputy Head Teacher/ DSL)

It is the responsibility of these Designated Person's to consult with the Local Authority Designated Officer (these contact details are included in Appendix 1).

It is critical at this point that the Designated Person does not investigate the allegation as this could compromise evidence at a later stage when police may become involved.

The Manager or Designated Person should gather basic information available at this stage to discuss with the LADO (eg. The nature of the allegation, date, time, location, witnesses? Injury?).

The Manager and Designated Person will not discuss the allegation with the member of staff until after the LADO has been consulted.

**This consultation with the LADO will help to determine the most appropriate response and whether or not the allegation reaches the child protection threshold of significant harm for referral to the police or children's social services for investigation under section 47 or the Children Act (1989).**

If it is determined after consultation with the LADO that the allegation does not cross the 'significant harm' threshold, then advice can be sought on how best to proceed if it is considered that an internal management investigation by the employer is appropriate.

Following an allegation Little Acorns will take a view on whether the member of staff should be suspended from their post. This will be discussed with the LADO, and the Disciplinary Procedures of Little Acorns will be adhered to:

*"If an employee is suspended to enable an investigation to take place the employee must be suspended as briefly as possible on full pay. In these circumstances the suspension itself will not constitute disciplinary action."*

Suspension will only be used when risk assessed as necessary to prevent potential interference with evidence / witnesses or is considered to be in the best interests and safety of all parties. Alternatives to suspension will be considered if it is felt that the risk can be managed.

### **Support for Those Involved:**

**All decisions and actions taken by Little Acorns and by the LADO will be carefully considered in terms of what is reasonable, proportionate and necessary in a given situation not only to protect children but also the welfare of staff involved.**

Any member of staff subject to an allegation will be encouraged by the Designated Person(s) to seek advice and support at the earliest opportunity from their professional association or trade union.

### **The wider context; Suitability & Allegation:**

The nature of an allegation can be complex and may not always directly involve an identified child but the safeguarding concern might indicate that the member of staff is unsuitable to work with children.

Eg: If a member of staff is investigated for downloading inappropriate pornographic material, or is under investigation for actions outside of Little Acorns by the Police or Children's Social Services (eg. Perpetration of domestic violence or when their own children are subject of a CP investigation, care proceedings etc), the safeguarding procedure will still be followed by the Designated Person(s) including advising the LADO and all processes will be transparent with the Local Authority.

Little Acorns will consult with the LADO in circumstances of **risk by association**. This is relevant if the partner of an employee is under investigation or has been convicted of an offence of a child protection nature.

**Little Acorns does require staff employed by the company to report matters to the Manager if they are involved in any police investigations relating to their private life. It is beneficial for all concerned that this is done in a spirit of transparency rather than the information being disclosed in a future enhanced CRB check that may lead to disciplinary action if information was deliberately withheld.**

### **Timescales:**

Allegations must be reported to the Manager **immediately**.

If the allegation meets the relevant criteria, Little Acorns must report it to the LADO within one day.

Where the initial evaluation with the LADO decides that the allegation does not involve a criminal offence and the LADO does not wish further involvement, it can be dealt with by Little Acorns. If the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Wherever possible joint investigations by Police and Social Services should be completed as quickly as possible and cases reviewed after 4 weeks. Little Acorns will be in regular and consistent contact with the LADO to ensure that all timescales are shared with the company and those involved can be made aware where this is deemed appropriate by the LADO and Little Acorns together.

It is recognised that in cases that proceed to criminal trial the police investigation should be completed within 3 months. All but the most complex of cases should be concluded within 12 months.

**It is once the LADO investigation has concluded that Little Acorns will consider if a management investigation and disciplinary procedure will need to be followed. Where there is a management investigation the LADO will be consulted in terms of the outcome that is retained on individual's personnel file and LADO records. Where the LADO investigation included police involvement; Kent Police can be contacted by Little Acorns under *Working together to Safeguard Children (2010)* and request the release of evidence to help inform a disciplinary investigation, this helps to negate the need to re-interview children.**

### **Outcomes:**

Once the outcome of a case involving the LADO has been reached an Outcome Form (Appendix 2) will be completed by Little Acorns and forwarded to the LADO, after the member of staff has been given the opportunity to comment formally on the process. It is this form that is then retained by the LADO in line with guidance published by the Information Commissioner Code of Practice (2002).

Records of investigations and subsequent outcomes into alleged offences against children are maintained by the LADO in order to identify patterns or frequency of concerns. Such records will be retained in line with '*Working Together*' guidance which recommends '*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*'.

In the most serious of cases where conviction and/or dismissal of the member of staff has been the outcome after due process, then a referral from Little Acorns to OFSTED and the Independent Safeguarding Authority Barring List **must** follow. It is also mandatory that in the case of an employee resigning or refusing to cooperate with a disciplinary investigation a referral to the ISA **must** be made by Little Acorns. Little Acorns will also notify the LADO of the barring decision taken by the ISA when this is concluded.

### **Our duty to refer information:**

By law, we have a duty to refer certain information to the Independent Safeguarding Authority (ISA). This includes:

- Where we have dismissed an individual because he or she has harmed, or may harm, a vulnerable adult or child; or
- Where an individual has resigned from employment with us in circumstances where there is a suspicion that he or she has harmed, or may harm, a vulnerable adult or child (**this will apply where an allegation has been made and the employee resigns before we can take disciplinary action**).
- Where we have suspended an individual and have reason to think the employee has engaged in "relevant conduct" or has harmed, or may harm, a vulnerable adult or child, or has received a caution or a conviction for, a relevant offence.

### **Employees' duties and Disciplinary Process:**

Employees must remain vigilant at all times of the risk to our service users of abusive behaviour from different sources including members of the service user's family, other service users, employees and in different situations.

If an employee believes a service user has been subjected to abuse, he or she should refer the circumstances to his or her line manager (or another manager if appropriate), the Designated Persons ( Alison Neal/ Joanna Curley or Charlotte Bateman)

If the alleged perpetrator of abuse is another employee, the circumstances will be investigated fully under the company's Disciplinary Procedure after appropriate involvement of the LADO as aforementioned in this Policy.

If necessary, the Company will refer details of the circumstances to the Independent Safeguarding Authority.

If, following full investigation of the circumstances, the Company determines that the perpetrator should be dismissed from the company, the employee's details will be referred to the Independent Safeguarding Authority.

## Appendix 1- LADO Contacts

### County Local Authority Designated Officer Contacts

The County LADO Service deals with allegations against staff who work with children either in education or the wider children's workforce.

If you need to speak to the LADO Service regarding an **allegation** against a member of staff **please make contact with one of the Contact & Referral Officers on the below number or complete a referral form through the Kent Safeguarding Children Multi-Agency Team Portal**. Your details will be taken and passed to the LADO on duty that day. The same LADO will support you through the process until the matter has been resolved. Please note that the LADO service no longer works on an area basis.

<b>County LADO Service contact number: 03000 410 888</b>	
<b>Email: <a href="mailto:kentchildrenslado@kent.gov.uk">kentchildrenslado@kent.gov.uk</a></b>	
<b>Kroner House</b>	
Ali Watling County LADO Manager	Contact & Referral Officer & PA to LADO Manager Emma Cumberbatch  Contact & Referral Officer Sára Blenkinsop (on secondment)  Anita Kearney – Locum
Sarah Crann LADO	Alexa Andrews LADO
Susannah Burden LADO	Mary Oni LADO – Locum
Link to Referral form: <a href="https://www.kscb.org.uk/procedures/local-authoritydesignated-officer-lado">https://www.kscb.org.uk/procedures/local-authoritydesignated-officer-lado</a>	<b>If a call is urgent i.e. a child is in immediate danger and requires safeguarding call through to the Front Door on: 03000 41 11 11</b>

Urgent child protection issues outside of office hours: Call Out of Hours on: 03000 41 91 91

Appendix 2: Outcome Form

**ALLEGATION MADE AGAINST A STAFF MEMBER**

**Explanatory Statement**

It is imperative that an accurate record is maintained on all allegations against professionals for the protection of children and the individual involved. National Guidance requires that the LADO keep clear and comprehensive summary of allegations, **how the allegation was followed up and resolved, and a note of any action taken and decision reached.** This should be kept on an employee's confidential personnel file, and a copy provided to the person concerned.

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

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

**Name:**

**Date of allegation:**

**Employer:**

**Summary of allegation made:**

**How allegation was followed up:**

**Action taken and decisions reached (eg: words of advice, further training, disciplinary procedure, dismissal) :**

**Will member of staff be referred to the ISA?**

**Outcome of Management investigation :**

**Substantiated**

**Unsubstantiated**

**Unfounded**

**Malicious**

**Date this matter resolved with Member of Staff:**



**Employee comments:**

**Signature.....**

**Signature and status of person completing this form.....**

.....

**please print name.....**

**Definitions:**

**Substantiated** - A substantiated allegation is one which is Supported or established by evidence or proof'

**Unsubstantiated** - An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

**Unfounded** - This indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.

**Deliberately invented or malicious** - This implies a deliberate act to deceive. A malicious allegation may be made by a pupil following an altercation with a teacher or a parent who is in dispute with a school. For an allegation to be classified as malicious, it will be necessary to have evidence, which proves this intention.

**Please return this form within two weeks of concluding investigation to:**

*(insert Area Officer details)*

**or e.mail:**

**Form sent:**