

PROCEDURE FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

INTRODUCTION

Cumbria's Local Safeguarding Children Board (LSCB) is responsible for ensuring that there are effective inter-agency procedures for dealing with allegations of abuse by those who work with children, in accordance with the statutory guidance *Working Together to Safeguard Children* (DfE 2013).

This procedure is provided to address the matter of school-based staff who are the subject of such allegations and is written in accordance with the statutory guidance documents *Keeping Children Safe in Education* (DfE 2014).

These procedures relate to staff and volunteers employed directly by the school, whether in a paid or unpaid capacity. They do not apply to staff working in schools who are employed by contract or local authority employers, for whom a separate procedure applies. Should any allegation be received against such staff, their manager must be contacted in the first instance.

The procedures set out what the school must do should such allegations be received. The actions of agencies other than the school are provided here only for information purposes.

The Senior Manager for dealing with allegations

The Senior Manager to whom any allegation must be reported is the Head Teacher. In the event that it is the Head Teacher who is the subject of the allegations, the Senior Manager is the Chair of Governors. In the event of the absence of the Head Teacher, or the Chair of Governors, the Deputy Head or Vice Chair, whichever is appropriate, will deal with the allegation.

CONTACT DETAILS FOR REFERRAL OR ADVICE

The LADO (local authority designated officer for dealing with allegations against staff):

To speak to a LADO for advice please contact Multi-Agency Business Support Team who will take your details and ensure a LADO returns your call:

- Phone 01768 812267
- Or you can email lado@cumbria.gov.uk

LADO working hours are Monday to Thursday 9am to 5pm and Friday 9am to 4.30pm.

In case of emergency outside of the above hours please contact **Emergency Duty Team** on **0333 240 1727**.

Send completed notification forms to the Multi-Agency Triage Team, using any of the following methods: (please note: if sending by email we advise that the document should be password protected)

- Fax: 01768 812090
- EFax: lado.fax@cumbria.gov.uk
- Post: LADO, Multi-Agency Triage Team, Skirsgill Depot, Penrith, Cumbria, CA10 2BQ

Please note if you are worried that a child is at **risk of immediate harm** please contact the County Triage Team on **0333 240 1727**

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THE PROCEDURE

Reporting allegations to the Senior Manager

1. All allegations which may meet the criteria below must be reported to the Senior Manager. The criteria are that a member of staff may have
 - Behaved in a way that has harmed a child or may have harmed a child AND/OR
 - Possibly committed a criminal offence or related to a child AND/OR
 - Behaved towards a child or children in a way that indicates that he/she is unsuitable to work with children.

Reporting to and consulting with the Local Authority Designated Officer (LADO)

- 1.1. The Senior Manager must inform the LADO of all allegations that meet the criteria **within one working day** and consult on whether the threshold for referral to Children's Services Social Care is met. Where there is evidence of a possible criminal offence, the referral to Children's Services Social Care will need to be made without delay to ensure that the police can begin a formal investigation and that forensic evidence is not lost or interviews with children or adults compromised.
- 1.2. The Senior Manager should take no other action with regard to the employee until after having taken advice from the LADO.

Role of the LADO

- 1.3. The LADO will provide advice and guidance on the allegation, liaise with the police and other agencies and monitor the progress of the case to ensure that it is dealt with as quickly as possible consistent with a thorough and fair process. This process will need to balance the requirements of protecting children and ensuring prosecution of any alleged offences whilst respecting the position of an adult whose future employment in terms of working with children may be at risk.

It is acknowledged that in any school there may be concerns about staff conduct that falls short of the above criteria, but which may be regarded as inappropriate conduct (e.g. alleged use of inappropriate forms of control such as shouting at children). Nevertheless, all such incidents should be reported to the school's Senior Manager who will log the discussion and will refer to the LADO for advice.

- 1.4. The 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 Senior Manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Senior Manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

NEXT STEPS

Threshold for referral NOT met

- 1.5. If the matter does not meet the criteria for referral to Children's Services Social Care, the matter will be dealt with by the Senior Manager acting under the advice and guidance of the LADO.
- 1.6. The Senior Manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the Senior Manager provides them with as much information as possible at that time.
- 1.7. The allegation may be substantiated following further enquiries and if substantiated may be addressed through guidance and/or training. Such incidents need to be dealt with by the staff member's line manager

under the guidance of the school's Senior Manager using the school's procedures for addressing issues of conduct and performance.

- 1.8. The school will therefore be responsible for considering the setting up of any disciplinary investigation, organising the interviewing of and support for the child and advising the parent and staff member as to the process and the outcome of the investigation. The Senior Manager will be required to report back to the LADO and advise how the matter has been concluded.
- 1.9. The Senior Manager will keep a record of all such cases and the record should be made available to the LADO. Clearly if the enquiries reveal that the allegation may be more serious than originally stated, further advice should be sought from the LADO as to whether the threshold for referral has now been reached.

Threshold for referral met

- 1.10. If the LADO and Senior Manager decide that a referral needs to be made to Children's Services a formal referral should be made by the Senior Manager to Central Triage.
- 1.11. The Triage Team will use the procedures outlined in the LSCB's document, Chapter 6 *Safeguarding children; handling individual cases* as a matter of urgency.

Action by Children's Social Care on receipt of a referral

- 1.12. The referral will be considered by the responsible Triage Local Manager who will decide whether the threshold is established to progress to a formal 'strategy discussion' within the framework of Chapter 6.7 of Cumbria's Local Safeguarding procedures. (If the child is already receiving services from another Children's Services team, the responsible Local Manager will make the decision).
- 1.13. If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with *Working Together to Safeguard Children*.
- 1.14. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.
- 1.15. If it is deemed sufficiently urgent, the strategy discussion may take place by phone.
- 1.16. At this point, the LADO will
 - undertake to ensure the Senior Manager is provided with a copy of the full LSCB procedure for dealing with allegations, including an agenda for the Strategy Meeting.
 - Ensure that either the Senior Manager or a suitable representative is invited to attend the Strategy Meeting.

FOR FURTHER INFORMATION, REFER TO FULL LSCB PROCEDURE