

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

Introduction

Cornerstone Vocational Training (CVT) is committed to providing the highest level of care for both its learners and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our training academy is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance from the Department of Education. This policy is designed to ensure that all staff, learners and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Centre Manager and the Safeguarding Manager immediately or to the CVT's Senior Management where the Centre Manager is the subject of concern. All allegations will be taken seriously and investigated immediately.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case.

This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at CVT 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.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and learners should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation All concerns of poor practice or possible child abuse by staff should be reported immediately, to the Safeguarding Manager who will then contact the local authority designated officer (LADO) within 24 hours of the allegation being reported. Staff who are concerned about the conduct of a colleague towards a learner are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

The LADO will be contacted by the Safeguarding Manager/Operations Manager/Director and a discussion will take place to decide whether:

- no further actions are needed
- a strategy meeting should take place
- there should be immediate involvement of the police or social care.

CVT will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy meeting is needed. Representatives from other agencies may be invited into the meeting and could include representatives from health, social care, the GP and police.

Local Authority Designated Officer – LADO (Pamela Cope), Children's Safeguarding Children Board contacts:

- Wirral - 0151 606 2008
- Wirral - 0151 677 6557 out of hours
- LADO contact – safeguardingunit@wirral.gov.uk

Investigation

An investigation into the allegations is normally carried out by children's social services or by the CVT. This will be agreed at the initial evaluation stage. Where CVT is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The person(s) who makes the allegation and their parents/carers:

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome. Social services and the police may be involved, depending on the severity of the case, and will provide CVT with advice on what type of additional support the child may need.

The employee:

CVT has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Safeguarding Manager has spoken to the Director. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation. The named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from CVT. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and CVT should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support. CVT will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

Suspensions

CVT will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the learner making the allegation. A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Director holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation. Compromised agreements will not be used in situations which are relevant to these procedures.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable CVT to:

- provide all the necessary information for future educational establishments if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation. Allegations that are proven to be malicious will not be kept on employment records or used in employee references. The records will be kept by CVT. Details of any allegation made by a learner will be kept in the confidential section of their record.

Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by CVT to the Independent Safeguarding Authority. CVT will be advised on this by the police and/or social services. If it is decided that the employee may return to CVT (after a suspension) then provisions will be put in place by CVT to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at CVT, we will consider what needs to be done to manage the contact between employee and child.

Action in the case of false allegations

Where an allegation is proven to be false, the Director may refer to social services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere. If an allegation is found to be intentionally factitious and malicious, the Director will decide what the proper sanction will be for the learner who made the false allegation. CVT's behaviour policy sets out the disciplinary action that will be taken against learners who are found to have made malicious accusations (gross misconduct) against CVT staff. CVT has the power to suspend or expel learners who make false claims, or refer the case to the police if CVT thinks a criminal offence has been committed. If the claim has been made by a person who is not a learner, CVT will hand the information over to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against staff, CVT will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

STAGE ONE

- WORKING TOGETHER TO SAFEGUARD CHILDREN 2018 REQUIRES EMPLOYERS TO INFORM LADO WITHIN ONE WORKING DAY OF BECOMING AWARE OF AN ALLEGATION.
- IF YOU SUSPECT A CHILD IS AT RISK OF IMMEDIATE HARM CONTACT IFD AND / OR MERSEYSIDE POLICE VIA 101.
- EMPLOYER TO COMPLETE LADO CONSULTATION FORM AND SEND TO safeguardingunit@wirral.gov.uk LINK TO WIRRAL SAFEGUARDING CHILDREN PARTNERSHIP WHERE LADO INFORMATION AND FORMS ARE AVAILABLE.

<https://www.wirralsafeguarding.co.uk/professionals/lado-allegations/>

- LADO WILL LIAISE WITH EMPLOYER AND POLICE AND MAKE A DECISION ON WHETHER THE CONCERNS MEET THE THRESHOLD FOR FORMAL LADO INVESTIGATION.
- IF THRESHOLD IS NOT MET CONSULTATION WILL BE CLOSED AT THIS STAGE. LADO WILL RECORD DECISION ON CONSULTATION FORM AND RETURN TO EMPLOYER.
- IF THRESHOLD IS MET EMPLOYER WILL BE REQUESTED TO COMPLETE LADO REFERRAL FORM

STAGE TWO

- LADO WILL CONVENE A LADO MANAGEMENT OF ALLEGATIONS MEETING WITHIN FIVE WORKING DAYS.
- AT THIS MEETING THE PLAN OF INVESTIGATION WILL BE AGREED TAKING INTO ACCOUNT ANY POLICE INVESTIGATION AND SAFEGUARDING ACTIONS WILL BE CONFIRMED.
- TIMEFRAME WILL BE AGREED AND SUPPORT TO THE EMPLOYEE WILL BE CONFIRMED.
- EMPLOYER TO UPDATE LADO DURING INVESTIGATION.
- EMPLOYER TO INVOKE DISCIPLINARY PROCEDURES IF APPROPRIATE.

STAGE THREE.

LADO CLOSURE MEETING HELD AND WILL INVOLVE ALL APPROPRIATE PROFESSIONALS WHERE THE EMPLOYER WILL PRESENT THEIR FINDINGS/ACTIONS

OUTCOME TO THE LADO PROCESS AGREED BY ALL PROFESSIONALS.

- SUBSTANTIATED - There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.
- UNFOUNDED - There is no evidence or proper basis which supports the allegation being made. It might indicate 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. The chair of the meeting / discussion should make a record of the agreed outcome and forward this to the employer
- UNSUBSTANTIATED - There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- MALICIOUS - There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances
- FALSE ALLEGATIONS - There is sufficient evidence to disprove the allegation. There is no evidence to suggest that there was a deliberate intention to deceive. False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to local authority children's social care to determine whether the child is in need of services, or might have been abused by someone else.

CLOSURE MEETING WILL AGREE ON DBS REFERRAL IF APPROPRIATE AND CLOSURE LETTER TO EMPLOYEE.

LADO forms and guidance:

LADO Referral form

<https://www.wirralsafeguarding.co.uk/wp-content/uploads/2021/11/LADO-REFERRAL-FORM-BLANK.docx>

LADO Consultation form

<https://www.wirralsafeguarding.co.uk/wp-content/uploads/2021/11/LADO-CONSULTATION-FORM-BLANK.doc>

Guidance for safer working practice for those working with children and young people

<https://www.wirralsafeguarding.co.uk/wp-content/uploads/2016/03/guidance-for-safer-working-practice-for-those-working-with-children-and-young-people.pdf>

Disclosure and Barring Service Referral Form and Guidance Notes

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

LADO Managing Allegations against Staff Procedure

<https://www.wirralsafeguarding.co.uk/wp-content/uploads/2020/12/LADO-Managing-Allegations-against-Staff-Procedure.pdf>

This policy is to be reviewed annually by the Designated Safeguarding Lead.