

PROCEDURES FOR MANAGING ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN

POLICY

My Choice School's policy and procedures regarding managing allegations against staff has been developed with regard to the following legislation and guidance:

- **DfE statutory guidance Keeping Children Safe in Education September 2023**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181955/Keeping_children_safe_in_education_2023.pdf

- **Sussex Child Protection and Safeguarding Procedures.**
- **Chapter 2 of Working Together to Safeguard Children 2018** The framework for dealing with allegations of abuse made against a person who works with children

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

These procedures must be followed by all organisations providing services for children and staff or volunteers who work with or care for children.

Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process. Local Safeguarding Children Boards should therefore have arrangements in place for monitoring and evaluating their effectiveness.

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, 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 in a way that indicates (s)he is unsuitable to work with children

These behaviours should be considered within the context of the four categories of abuse.

These include concerns relating to inappropriate relationships between adults and young people or children eg

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (section 16-19 Sexual offences Act 2003)

- grooming ie meeting a child under 16 with intent to commit a relevant offence (section 15 Sexual Offences Act 2003)
- other grooming behaviour giving rise to concerns of broader child protection nature eg Inappropriate text, email messages or images, gifts, socialising etc
- possession of abusive images of children

Employers or Organisations Responsibilities:

- My Choice School has a **Head of Education** (Annie Murphy, **DDSL** L3 trained) who is responsible for ensuring that procedures in relation to allegations and concerns are in place and to whom allegations or concerns should be reported and who leads on contacting LADO about allegations or concerns
- My Choice School has a **Headteacher** (Clare Wye, **DSL** L3 trained) who is also responsible for ensuring that procedures in relation to allegations and concerns are in place and to whom allegations or concerns should be reported and who will report to the Head of Education.
- My Choice School Senior Management Team (George Nicholl, **Deputy Headteacher DDSL** and Annie Murphy, **Head of Education DDSL**) to whom allegations or concerns should be reported in the absence of the DSL or where that person is the subject of the allegation or concern.
- My Choice Children's Homes Ltd have a Senior Management Team to whom allegations or concerns should be reported in the absence of the Headteacher DSL, Deputy Headteacher DDSL or Head of Education DDSL or where that person is the subject of the allegation or concern - Dawn Ives, **Director / RI** and Debbie Woodgate, **Operations Manager**

The DSL for the school is the Headteacher (Clare Wye), the Headteacher is managed by the Head of Education (Annie Murphy) who will lead on all LADO referrals. The My Choice Children's Homes Ltd Senior Management Team of Director / RI and Operations manager will also be informed.

The Local Authority Designated Officer (LADO) to report concerns to:

West Sussex Local Authority: LADO

Child Protection Advisor (Children's Safeguarding)

[West Sussex County Council](#)

Room 41, South Wing, Durban House, Durban Road, Bognor Regis, PO22 9RE

Donna Tomlinson

Miriam Williams

Sally Arbuckle

LADO@westsussex.gov.uk

PROCEDURE

Persons to be Notified

As soon as possible (and within 1 day) after an allegation is made, the **Local Authority Designated Officer** will be consulted first to ensure that this does not impede the disciplinary or investigative process. My Choice School will also inform the parent / carer of the child involved. This is to be achieved in consultation with the Social Worker (if applicable) and LADO. The parent /carer and the child if sufficiently mature should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

In principle My Choice will as soon as possible, inform the person who is subject to the allegation or the concern relates to about the nature of the allegation, how enquiries will be conducted and the possible outcome. Advice should first be sought from the LADO as police and/or social care may want to impose restrictions on the information that can be provided.

The member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process; and
- If suspended, be kept up to date about events in the workplace
- Ofsted should also be informed of all allegations or concerns made against a member of staff in a **children's home**, this will be done by the Registered Manager

Suspension should be considered a neutral act and should not be automatic. This should be considered in any case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants investigation by the Police **or**
- The allegation is so serious that it might be grounds for dismissal

Organised and Historical Abuse

- Investigators should be alert to signs of organised or widespread abuse and / or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority.
- Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed and a strategy discussion held.

Whistle Blowing

All staff should be made aware of My Choice's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the local authority designated officer.

Initial Responses

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

The person should not:

- Investigate or ask leading questions if seeking clarification
- Make assumptions or offer alternative explanations **or**
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

The person should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident(s), persons present and what was said
- Sign and date the written record
- Immediately report the matter to the DSL Headteacher Clare Wye, in her absence the Head of Education, Annie Murphy or the DDSL Deputy Headteacher, George Nicholl.
- In the absence of the Headteacher or Head of Education, or where the Headteacher or Head of Education is the subject of the allegation, report to Dawn Ives, Director / RI or Debbie Woodgate, Operations Manager.

Initial Action by the Designated Senior Manager

When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child concerned or potential witness.

The designated senior manager should:

- Obtain written details of the concern/ allegation, signed and dated by the person receiving or recording the allegation (not the child/adult making the allegation)
- Countersign and date the written details
- Record any information about times, dates and location of incident(s) and names of any potential witnesses
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

- If the allegation meets the criteria set out on page 1 (***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 in a way that indicates (s)he is unsuitable to work with children***) the designated senior manager should report it to the **LADO** within 1 working day.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager at My Choice should consult with the social care emergency duty team or local police and inform LADO as soon as possible.

If an allegation results in an outcome as identified by LADO determining that disciplinary and dismissal is the course of action then the HR Manager will meet with the Director / RI and they will record that the DBS will be informed.

Determining the outcome of an allegation uses the following definitions as identified by LADO:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

The outcomes open to My Choice School will depend on the nature and circumstances of the allegations and the evidence and information available and the outcome from LADO. This will range from taking no further action, to disciplinary or dismissal or a decision not to use the person's services in future in the case of supply staff, volunteers or contractors. If the allegation is substantiated and the person is dismissed, resigns, or otherwise ceases to provide their services or My Choice School ceases to use their services, we have a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. In the case of a member of teaching staff at a school My Choice Senior Management must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The Director / RI will lead on contacting and informing the DBS.

Concerns that do not meet the harm threshold

This applies to all concerns (including allegations) about members of staff, including supply staff, volunteers (if applicable) and contractors, which do not meet the harm threshold set out above and is based on '**Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education 23.**

Concerns may arise through, for example:

- Suspicion
- Complaint

- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern, no matter how small, that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the employee code of conduct, including inappropriate conduct outside of work, **and**
- Does **not** meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Keeping Children Safe in Education September 2023 Section 2 identifies examples of low level concerning behaviour as including, but not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone, contrary to school policy
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating children

The young people at My Choice School are vulnerable and have high risk of exploitation. The conduct expected of our staff at school must have safeguarding at the forefront at all times. We would consider examples of low level concerning behaviour in our setting to include, but not be limited to:

- Sharing personal information with a young person in order to create an intimacy, such as inside jokes not shared by the whole class
- Sharing emotional or health information to a young person in order to elicit sympathy or support
- Sharing professional communications or directions from senior management or colleagues
- Sharing information about colleagues, including opinions, gossip
- Sharing personal items with a young person, such as items of clothing

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to ensure that all staff must and will share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

We do this by:

- Ensuring that safeguarding training is completed from induction and throughout employment
- Ensuring that safeguarding is discussed at every team meeting, including cause for concerns about young people and discussion about staff responses to behaviour management
- Ensuring that risk assessments provide a framework within which staff can monitor their own behaviour and that of colleagues
- Encouraging reflective practice and acting as a critical friend and using respectful challenge at all levels within the school
- Having an Employee Code of Conduct in the Employee Handbook and Acceptable User Agreements for staff and students

Responding to low-level concerns

If the concern is raised via a third party, the Headteacher and Head of Education will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Headteacher and Head of Education will use the information collected to categorise the type of behaviour and determine any further action, in line with the Managing Allegations Policy and in line with the Employee Code of Conduct.

Support and training will be identified, this may be recorded on a discussion record or may be on a Performance Action Plan. We will consider peer mentoring, additional support and will also take into account a wider context and review risk assessments, behaviour management strategies, policy clarification and a whole school approach.

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- o Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- o Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold, we will refer it to the designated officer at the local authority
- o Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- o The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- o The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

For further detailed information regarding this policy and Sussex guidelines please see the Sussex Child Protection and Safeguarding Procedures on line.

<https://sussexchildprotection.procedures.org.uk/page/contents>

https://sussexchildprotection.procedures.org.uk/assets/clients/1/Documents/alleg_flowcharts_cpp.pdf

Policy Link

Safeguarding

KCSIE23

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