



# **Statement of Procedures for Dealing with Allegations of Abuse Against Staff at Moss Lane**

<b>Adopted On:</b>	November 2020
<b>Review Date:</b>	November 2021
<b>Review Frequency:</b>	Annually
<b>Approved By:</b>	Headteacher

# **Statement of Procedures for Dealing with Allegations of Abuse Against Staff at Moss Lane School**

## **Introduction**

As a Surrey CC maintained school Moss Lane School, , is guided by specific legislation and Statutory Guidance, in particular

- the Children Act 1989;
- section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector);
- section 11 of the Children Act 2004 (other agencies); and
- Working Together 2018

All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff and volunteers.

For further information, please see Surrey Safeguarding Children Board website 3.2 Managing allegations against people that work or volunteer with children.

## **2. Allegations dealt with by these procedures**

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 with the children's workforce. These procedures also apply to independent contractors such as those who may provide a sports coaching service to a school.

When they have:

- 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.

Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- 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 to 19, Sexual Offences Act 2003);
- 'Grooming' (Section 15 Sexual Offences Act 2003) i.e. meeting a child under 16 with intent to commit a relevant offence;
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/ e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs/pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or indecent images of children;
- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (eg partner, member of the immediate family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

Finally, these procedures should be followed where a person's employment is covered by the Childcare Act 2006 and:

Is living in the same household where another person who is disqualified lives or is employed – a person is disqualified if they are 'found to have committed' an offence which is included in the 2009 Regulations updated July 2018 (a 'relevant offence').

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed between the LADO and the Headteacher.

### **3. Roles and responsibilities**

Headteacher has overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with the Surrey Child Protection Procedures;
- Resolving any inter-agency issues;
- Making statutory notifications to professional bodies and the Disclosure and Barring Service (DBS);
- Liaising with the Surrey Safeguarding Children Board (SSCB) on the subject.
- Seeking advice from the LADO regarding incidents where it is unclear whether it is an allegation or concern
- Reporting all allegations of harm to the LADO within 24 working hours.

In the absence of the Headteacher then the Deputy Head or another DSL who is part of the SLT will take on this role.

See Surrey Safeguarding Children Board website for roles and responsibilities for local authorities.

#### **4. Response to an Allegation or Concern**

An allegation against a member of staff may arise from a number of sources e.g. a report from a child, a concern raised by another adult at Moss Lane School, or a complaint by a parent or carer. It may also arise in the context of the member of staff and their outside work or home.

##### **4.1 Initial action by person receiving or identifying an allegation or concern**

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

They should not:

- Investigate or ask leading questions;
- Make assumptions or offer alternative explanations;
- Promise confidentiality

They 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 Headteacher or Deputy Headteacher in their absence; or to the Chair of Governors where the Headteacher is the subject of the allegation.
- Some very serious allegations, should be immediately reported to the police – this will enable prompt action to be taken to gather evidence from mobile phones etc.

##### **4.2 Initial action by the Headteacher (if different)**

When informed of a concern or allegation, the Headteacher should not investigate the matter but they should continue to gather factual information in regards to the incident and ensure any evidence is preserved. This fact finding should be a neutral process and should not amount to an investigation of the incident.

They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving it (not the child/adult making the allegation or the alleged person);
- Approve 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.

#### **4.2.1 Deciding if it is an allegation of harm or a concern**

The Headteacher should review the information and decide whether the case meets the threshold of harm/risk of harm. If the Headteacher is unsure if it meets the threshold, then they should contact the LADO for advice.

If it is decided it meets the threshold of harm/risk of harm and therefore is an allegation the Headteacher must follow the procedures below and refer the allegation to the LADO within one working day.

If it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then steps should be taken to ensure any conduct or behaviour issues are addressed with the member of staff through normal employment practices.

#### **4.2.2 Notifying the LADO**

The Headteacher must inform their LADO within one working day after an allegation is made and prior to any investigation taking place. A failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

- If it is received outside normal working hours and there is immediate risk to a child the local authority emergency duty team for Children Families and Learning and the Police must be called.

- In Surrey CC (0300 123 1650 option 3) [LADO@surreycc.gov.uk](mailto:LADO@surreycc.gov.uk).

The LADO should be informed as soon as possible and at least within 24 hours.

- An immediate risk assessment should be carried out;
- The police should also be notified immediately if there is any potential criminal allegation and police will decide on the appropriate level of response. It is important to note that information gathering is distinct from investigation. Employers should continue to gather information about the facts of the case, for example, checking if there is evidence and taking statements from witnesses.

### **5. Initial Consideration by the Headteacher and the LADO**

#### **5.1 Deciding whether it is an allegation of harm or a concern**

- Where it is not clear whether the threshold is met, it might be necessary to have a Managing Allegations Strategy Meeting (MASM) to evaluate whether the threshold has been met;
- It is essential to keep the employer who raised the concern informed whilst the case is being assessed.

## **5.2 Considering an allegation**

There are up to four strands in the consideration of an allegation:

- A Police investigation of a possible criminal offence;
- LA Children's Social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action in relation to possible performance/conduct issues;
- Whether action in regards to the person making the allegation should be considered where the allegation has no foundation and may be malicious.

The LADO and Headteacher should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not demonstrably false and there is cause to suspect that the adult poses a risk of harm, the LADO should convene a MASM. This will sometimes have to take place immediately but the speed at which it is convened should be commensurate to the risk.

If the allegation does not meet the threshold for risk of harm, and there remains a concern that a child has possibly been harmed, however, there is no evidence to support this, but there is concern around inappropriate behaviour or actions of an employee/volunteer, then the LADO should inform the employer of this concern. The employer will then be expected to take responsibility for addressing the issue. The LADO can provide advice and support to the employer where necessary. Once the employer has concluded an internal investigation and followed up on any other action in conjunction with their Human Resources (HR) department, then the LADO team should be informed of the outcome.

The Police must be consulted about any case in which a criminal offence may have been committed.

If the threshold for Significant Harm is not reached, but a police investigation might be needed, the LADO should immediately discuss the case with the police and, where necessary, convene a meeting, to include the Police, employer and other agencies involved with the child. The outcome of such discussions must be recorded accurately in records including the decision and the rationale for the decision having been reached.

Further information on managing allegations of abuse against staff can be found on the Surrey Safeguarding Children Board website

Procedures source: Surrey Safeguarding Children Board website  
<https://www.surreyscp.org.uk/>