

Bell Farm Primary School

Statement of procedures for dealing with allegations of abuse against staff



1. Introduction

Local Authority Designated Officer ([LADO](#)) - The [LADO](#) Service manages allegations against individuals who work or volunteer with children in Surrey.

The [LADO](#) Team is guided by specific legislation and Statutory Guidance, in particular:

- The Children Act 1989;
- Education Act 2002. Section 175.
- Keeping Children Safe in Education 2023. Part four, section 374 to 377.
- The Children Act 2004. Section 11.
- Working Together to Safeguard Children 2018
- Disqualification under the Childcare Act 2006 (September 2018)

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

For further information, please see [Surrey Safeguarding Children Partnership 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 that any person who works in regulated activities with children, in connection with their employment, either directly with the school or through an agency (supply), 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; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with 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, your own child becomes subject to child protection procedures and or you and your family become involved with social services for safeguarding reasons;
- 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. To contact the Duty LADO please call: 0300 123 1650 (option 3)

3. Roles and responsibilities

Headteacher has overall responsibility for:

- Ensuring that a Child Protection and Safeguarding Policy is in place;
- Safeguarding training for staff is provide annually;
- 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.

All staff have a responsibility for:

- Making sure they are aware of Bell Farm School's Whistleblowing Policy and that they 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 Bell Farm School, they should report the matter to their LADO.

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

4. Response to an Allegation or Concern

An allegation or concern raised about 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 Bell Farm School,

or a complaint by a parent or carer. It may also arise in the context of the member of staff and their behaviour outside work or at 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 follow Bell Farm's procedures, which include the following:

- Making 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;
- Signing and dating the written record;
- Immediately reporting 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.
- Undertake an immediate risk assessment which involves ensuring immediate safety of the child and or children and seeking medical attention if required.

4.2 Initial action by the Headteacher or other DSL

When informed of a concern or allegation, the Headteacher or other DSL, 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 or other DSL, should review the information and decide whether the case meets the threshold of harm/risk of harm. If the Headteacher or other DSL, 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 within one working day

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). 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 other witnesses.

4.2.3 Suspension – when it should be considered

The power to suspend lies with the employer. Suspension should be considered only in cases where there is cause to suspect a child or other children at the place of employment is/are at risk of harm/further harm or the case is so serious that it might be grounds for dismissal. The case manager/employer must consider carefully whether the circumstances warrant suspension from contact with children until the allegation is resolved and should seek advice from their HR adviser and the LADO(s).

See [Surrey Safeguarding Children Partnership website](#) for more details.

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 Against Staff and Volunteers Meeting (ASV) 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 or other DSL 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 an ASV. 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 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 Partnership website](#)

Procedures source: [Surrey Safeguarding Children Partnership website](#)

Status of Statutory Policy	Date
Authored by Jacky Chave	February 2018
Policy reviewed	Sept 2023
Agreed by Staff	October 2023
Agreed by Governors	N/A
Review every year with Complaints Policy	Sept 2024