



## Managing allegations of abuse against service providers

Children can be vulnerable to harm and abuse in many settings including those where service providers will occupy positions of trust in relation to children. Educational establishments have a duty to safeguard pupils and create a safe learning environment, so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a pupil.

The Old Post Office Wellbeing Hub (Venue) and The Old Post Office C.I.C. (Organisation) appreciate their duty of care to their service providers and will ensure that service providers against whom an allegation has been made are treated fairly and are provided with effective support.

It is essential that any allegation of abuse made against a person who works with children and young people, including those who work in a voluntary capacity, is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation.

### **What is an allegation?**

An allegation is information or a concern which suggests that an adult working with children and young people 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, or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they worked regularly or closely with children.

If anyone sees / hears / reports / suspects something that fits into one of the 3 categories above there is a statutory duty to report this. This policy sets out the procedures to be followed by the owners of The Old Post Office Wellbeing Hub and the directors of The Old Post Office C.I.C. when dealing with allegations in respect of a service provider or volunteer.

### **Legal framework**

All educational establishments must have procedures in place to deal with any allegations made against staff. The framework for managing allegations is set out in *Working together to safeguard children* and the DfE statutory guidance *Dealing with allegations of abuse against teachers and other staff*.

### **Principles**

- The welfare of pupils is paramount and all service providers and volunteers have a duty to safeguard and promote service user's welfare. The service user's welfare must be considered throughout any investigation and appropriate services provided where needed.
- Allegations should be dealt with fairly and quickly and should be investigated as a priority to avoid delay. The time taken to investigate and resolve individual cases depends on the nature and complexity of each case but it is expected that the majority of cases should generally be resolved within 1 month.

- Information should be shared in a timely way but only for the purposes of safeguarding and promoting the welfare of children.
- All responses should be fair, transparent and balanced and should ensure the safety of children whilst supporting those adults who are the subject of allegations.

## Roles

**Responsible person** - At The Old Post Office Wellbeing Hub, Anita Auer is the named person who is responsible for the management of allegations against staff and to whom allegations and concerns should be reported in the first instance. Anita Auer is also the named person for The Old Post Office C.I.C..

If the allegation is regarding Anita Auer, then the LADO should be contacted.

**Local Authority Designated Officer (LADO)** - All Local Authority areas have to have a named LADO who is responsible for the management and oversight of individual cases. The LADO provides advice and guidance to all of the agencies and services, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process. Further details about contacting the LADO at East Sussex County Council can be found on <https://www.eastsussex.gov.uk/children-families/professional-resources/allegations/lado> .

## Procedures

**Notification** Allegations may arise following a complaint from a parent or pupil or through concerns raised by other service providers. Anyone dealing with allegations at the outset must report all concerns to Anita Auer immediately.

A written note of the details of the allegation, including time, date, place, nature of the concern and any persons present must be agreed with the responsible person. Staff should not investigate or ask leading questions if seeking clarification. They should not make assumptions or offer alternative explanations. Service users should not be promised confidentiality. Information, however, should only be shared on a 'need to know basis'.

At this point, Anita Auer will notify the LADO at East Sussex County Council. This is to allow the LADO to consider what response is needed to ensure child safety.

In some emergency situations, Anita Auer may have to take immediate action to protect children, but where possible this should be done following discussions with the LADO.

Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to Children's Social Care and the police for investigation (following advice and guidance from the LADO). Others are much less serious, and at first sight, may not seem to warrant consideration of a police investigation or enquiries by Children's Social Care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the school.

Consequently, the LADO should be informed of all allegations that appear to meet the criteria in '**What is an allegation?**' so that the LADO can consult police and social care colleagues as appropriate.

**Initial consideration** Initial discussions between Anita Auer and the LADO should look at all the available information about the incident or allegation, the service provider and the child involved (including details of any previous allegations made) and decide if the allegation is serious enough to be dealt with under this policy.

As an outcome of the discussion, Anita Auer and the LADO should agree what action to take under this policy, which may be one or more of the following:

- no further action
- to hold a Management Planning Meeting (MPM)
- referral to children's social care for assessment and possible child protection investigation

- referral to the police for a criminal investigation If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be convened.

The LADO and Anita Auer should also consider:

- if any further information is needed to assist the investigation
- whether any immediate action needs to be taken to protect children
- when parents should be notified of the allegations (although in some cases this will be unavoidable, for example if the child requires medical treatment)
- how the child and their parents will be supported during the process
- whether the service provider should be suspended pending investigation
- whether any regulatory body needs to be informed of the allegation.

The member of staff should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where a criminal or child protection investigation is possible, the LADO should seek the advice of the police and children's social care regarding what information can be shared.

A written note of discussions and decisions should be agreed and the reasons for taking any particular course of action noted. This is particularly important in cases where no further action will be taken.

**Management Planning Meeting (MPM)** If a decision is made for a MPM to be convened the LADO will refer to the First Response Team Manager for the case to be allocated to a Social Worker (or to the allocated Social Worker if the child's case is already allocated within Children's Social Care).

The Management Planning Meeting has two potential components:

1. A s47 strategy discussion in cases where there is reasonable cause to suspect a child is suffering, or is likely to suffer significant harm
2. A discussion to evaluate the allegations and decide on how they should be dealt with, including making recommendations to the employing agency.

**The Management Planning Meeting should normally be held within 3 working days of the decision to convene the meeting.**

The meeting will decide whether or not the child has or is likely to suffer significant harm and whether to instigate a child protection and/or criminal investigation. The meeting will also set out a plan for conducting enquiries and how this may affect any disciplinary action that the school may be planning.

The meeting may look at what immediate action needs to be taken to ensure child safety during the course of investigations; this may include making a recommendation on suspending the service provider which Anita Auer will uphold.

**Disciplinary proceedings** The Old Post Office Wellbeing Hub and The Old Post Office C.I.C.'s decision whether or not to prevent the service provider from leading any further sessions at their venue will be informed by information raised by child protection enquiries, criminal proceedings or the outcome of any trial. This discussion should also look at whether a referral should be made to the Disclosure and Barring Service (formerly the Independent Safeguarding Authority).

If the service provider concerned is an agency worker or volunteer where disciplinary proceedings are not possible, this matter should be immediately reported to the relevant agency, and Anita Auer and the LADO should work with the employer or individual to resolve the matter.

**Referral to the Disclosure and Barring Service (DBS)** There is a legal duty on 'employers' to refer any individual to the DBS if it is thought that they pose a risk to children or have harmed a child. The DBS will then make a decision as to whether or not to bar the person from working with children in a regulated activity such as teaching.

As cases move towards conclusion and all information is available, Anita Auer and the LADO should discuss whether a referral needs to be made to the DBS. A referral must be made if the allegation is proved and the person has been dismissed from their post or has resigned prior to being dismissed.

**Monitoring and oversight of cases** The LADO will review all cases involving allegations against service providers on a regular basis to ensure that cases are dealt with efficiently and within prescribed timescales.

The responsible police officer in CAIT will review all cases in criminal proceedings that involve allegations against service providers and will pass on information to Anita Auer and the LADO regarding progress of investigations and prosecutions.

Once cases have been resolved, Anita Auer may wish to review the events in order to identify any issues and decide whether school procedures or practices need to be updated or improved so that similar incidents can be prevented or responses improved in the future.

## Practice issues

The DfE recently published updated statutory guidance, *Dealing with allegations of abuse against teachers and other staff*, which sets out guidance on a number of practice issues:

**Allegations involving physical contact** The owners of The Old Post Office Wellbeing Hub and the directors of The Old Post Office C.I.C. are aware that for some teachers, for example music and PE teachers, physical contact with a pupil is unavoidable and necessary in order to teach the subject. Also, service providers can use reasonable force in order to control or restrain a pupil in specific circumstances.

These factors must be taken into account throughout the process. In particular, it must be demonstrated that any contact that has taken place is within the boundaries set out by local safe working practices and agreed procedures for the use of physical restraint.

It is important that service providers are given guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

**Suspension** should not be an automatic outcome of any allegation but used only where there is no alternative. Anita Auer is mindful that suspension will normally only be justified where there is a risk of significant harm to pupils, a police investigation is likely to be carried out, or the allegation is so serious it would normally warrant immediate dismissal if proved true. Even in these cases, Anita Auer will consider other ways of managing risk, such as arranging for the member of staff to have limited contact with children or ensuring they are constantly supervised.

Decisions on suspension will be discussed with the LADO. All decisions on suspension should be reviewed as new information becomes available during investigation.

If suspension is agreed, the service provider must be given written confirmation of the decision detailing the reasons and told they can contact Anita Auer for support and information.

**Resignations** Full investigations into allegations must continue even if the service provider chooses to withdraw their sessions as it is important that a resolution or conclusion is reached. It is important to decide whether allegations are substantiated and what further action may have to be taken to safeguard children through referral to the Disclosure and Barring Service.

**Unfounded or malicious allegations** If an allegation is proved to be unfounded or malicious, the LADO may decide to refer the child to children's social care for assessment as a child in need. Malicious allegations made by children may also be dealt with under the venue's behaviour policies if this is more appropriate.

**Records and references** All allegations made will be recorded, giving details of the nature of the allegation, actions taken and decisions reached, and kept with their personal information. The exception to this is any allegation that is proved to be malicious; all references to these allegations should be removed from the personnel record.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference and it will provide clarification in cases where future DBS disclosures reveal information about an allegation that did not result in a criminal conviction. Information should be kept on the personnel file until the person reaches retirement age or for 10 years from the date of the allegation if that is longer.

Allegations that have been unsubstantiated, unfounded or malicious should not be included in a reference.

**Confidentiality and information sharing** It is essential that confidentiality is maintained whilst any investigation is on-going and the Police will not make public any details of criminal investigations unless the person involved is charged.

At the initial discussion, Anita Auer and the LADO may wish to discuss what information will be shared with whom and what action will be taken to manage any possible breaches of confidentiality or press interest.

In general, information may be shared at the initial discussion and strategy meetings in order to gather as much information as possible to make an informed judgement on what action to take.

Consent must be obtained to share information with third parties, for example police statements or child protection investigations being passed on to schools for the purposes of disciplinary proceedings.

From 1 October 2012 new reporting restrictions have been introduced preventing the publication of any material that may lead to the identification to the public at large of a teacher involved in the allegations process - until or unless that teacher is charged with an offence.

## Support for those involved

**Children and parents** Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it (unless to do so would put the child at further risk). Anita Auer may consult with the LADO to agree how and by whom they will be informed.

Parents should also be kept informed about the progress of the case, and told the outcome, including the outcome of any disciplinary process. Timings for this will be agreed in the multi-agency meetings and with the LADO.

**Service Providers** The Old Post Office Wellbeing Hub and The Old Post Office C.I.C. have a duty to support service providers who are being investigated following an allegation in order to minimise stress. Staff should be informed as soon as possible about any allegation made and given all information available, subject to advice from the police and children's social care.

Service providers should have a named person available to provide support and information, particularly if they have been suspended, and should be given advice on obtaining legal representation and counselling if needed. They should also be told about the process of any investigation and kept informed of the outcomes and progress of these. Anita Auer will also consider the support needs of any service provider returning to The Old Post Office following suspension once the investigation has been completed.

## Interrelationships with other policies

This policy should be read in conjunction with the following other important policies:

- Data Protection Policy / Privacy Policy
- First Aid Policy
- Safeguarding Policy
- Privacy Policy
- Code of Conduct
- Complaints Procedure

This policy is approved and robustly endorsed by The Old Post Office Wellbeing Hub and The Old Post Office C.I.C. and is due for renewal every year.

Signed \_\_\_\_\_ *Anita Auer* \_\_\_\_\_ Mrs Anita Auer (Safeguarding Lead)

Signed \_\_\_\_\_ *Paul Auer* \_\_\_\_\_ Mr Paul Auer (Director)

Date: 18.6.24

**Review Date: 18.6.25**