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## **Managing Allegations Policy**

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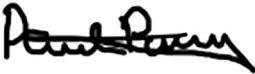
## Sporting Chance Newport CIC **Managing Allegations Policy**

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<b>Policy Owner:</b>	Head of Safeguarding
<b>Queries to be directed to:</b>	Head of Safeguarding
<b>Signed:</b>	
<b>Dated:</b>	01/08/2021

This policy will be reviewed on an annual basis. Sporting Chance Newport CIC reserves the right to amend this policy, following consultation, where appropriate.

<b>Date created:</b>	August 2020
<b>Date of last review:</b>	December 2023
<b>Date of next review:</b>	December 2024

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### **1. Purpose**

This policy outlines the procedure that should be followed when dealing with allegations of abuse against staff and has been written in line with DFE Working Together to Safeguard Children 2018 and Keeping Learners Safe: The Role of Local Authorities, governing bodies and proprietors of independent schools under the Education Act 2002 guidance. This policy aims to strike a balance between the need to protect children from abuse and the need to protect staff from false or unfounded allegations.

### **2. Scope**

This policy applies to all Sporting Chance Newport CIC employees, workers, agency staff and volunteers. It does not apply to contractors, consultants, or self-employed individuals working for Sporting Chance Newport CIC.

This policy should be used in any case where it is suspected or alleged that an employee, volunteer or Supply member of staff at the school has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offense 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 to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The schools Safeguarding Policy outlines what it means to harm a child.

The policy applies regardless of whether the alleged abuse took place in the school.

Allegations against a member of staff who no longer works for us and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer as promptly as possible and ensure it is done, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **3. Reporting an allegation**

In the event of an allegation that meets the criteria above, the Directors (or chair of the School Leadership Team, if the Director(s) are subject of the allegation) – the 'Case Manager' – should immediately discuss the allegation with the Designated Officer at the Local Authority (LADO).

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This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services.

Lessons learnt has informed us that we will discuss the allegation with the Designated Officer at the Local Authority (LADO), even where we do not believe the allegation meets the LADO threshold.

The Case Manager should then immediately call a case conference with the Directors, Designated Safeguarding Lead and the School Leadership Team to advise them of the allegations, next steps agreed with the LADO and agree any actions that need to be taken internally.

The Case Manager following discussion with the Directors, Designated Safeguarding Lead, on occasion, consider it necessary to involve the police before consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offense. In such cases, the Case Manager will notify the LADO as soon as practicably possible after contacting the police.

If it is decided that further action is required, the Case Manager will take steps as agreed with the LADO. This could include addressing the matter internally (e.g. formal investigation, disciplinary /capability action, management advice/guidance) and/or liaising with the police and/or children's social care services where a strategy discussion is called/a child protection/criminal enquiry results.

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information, should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

This will be recorded on the individuals personnel file.

*The process is outlined in the flowchart allegations of abuse against staff appendix one.*

### **4. Informing the individual**

The Case Manager should inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the Case Manager will only share such information with the individual as has been agreed with those agencies.

## **5. Supporting those involved**

### **5.1 The Employee**

Sporting Chance Newport CIC has a duty of care to its employees and will do everything reasonably possible to minimise the stress of any allegations and the disciplinary process.

The Case Manager will ensure that effective support is provided for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and consider what other support is appropriate. The named representative will be a senior member of staff who has had no involvement with the allegation or concern.

The individual facing the allegation or concern can also seek help and advice from their Trade Union representative or workplace colleague.

*Appendix 2 contains a leaflet for staff on the LADO process.*

### **5.2 Parents/Guardians**

The Case Manager will inform the parents or guardians of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or police, if applicable).

The Case Manager will also inform the parents or guardians of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or guardian who wishes to have confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

The Case Manager will keep the parents or guardians of the child/children involved informed of the progress of the case, where there is not a criminal prosecution, providing a summary of any changes that will be made in light of the investigation process.

## **6. Suspension and alternatives**

The Case Manager should carefully consider whether it is necessary to suspend the individual and discuss this with the Directors.

The Directors in consultation with the Educational People Partner will have the authority to suspend any person employed to work at any Independent School.

Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative. Suspension does not assert guilt to the individual involved and be deemed appropriate to keep them safe.

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Based on assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned.
- Directing the member of staff to work from home whilst the investigation is happening.

The LADO, police and/or children's social care services cannot require Sporting Chance Newport CIC to suspend a member of staff or a volunteer, although the school will give appropriate weight to their advice.

If immediate suspension is considered necessary, the Case Manager will agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected.

Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 2 working days.

If the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the National College for Teaching and Leadership.

### **7. Potential Outcomes**

The following definitions are used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence).

Following the output of the investigation, decision will then be made as to whether any other further action will need to be taken e.g. capability or disciplinary etc.

### **8. Specific actions**

#### **8.1 Action following a criminal investigation or prosecution**

The Case Manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

## **8.2 Substantiated allegations – referrals**

If the allegation is substantiated and the individual is dismissed, or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the Case Manager and the Education People Partner will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of the teaching staff, the Case Manager and the Education People Partner will discuss with the LADO whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.

## **8.3 Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the Directors, or other appropriate person in the case of an allegation against the Directors, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

## **8.4 Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the Directors in collaboration with the Education People Partner, will consider how best to facilitate this. The Directors will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

## **9. Information Sharing**

Where the police are involved, wherever possible Sporting Chance Newport CIC will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

## **10. Timescales**

If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 10 working days.

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 10 working days.

If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

Where a formal investigation is required, this should be completed in line with Sporting Chance Newport CIC disciplinary procedure and completed within 10 working days.

In the event any of these timescales become delayed the individual will be informed accordingly.

## **11. Confidentiality**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Case Manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or guardians of a child/children involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.

## **12. Record keeping**

The Case Manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear comprehensive summary of the allegation.
- Details of how the allegation was followed up and resolved.
- Notes of any action taken, and decisions reached (and justification for these, as stated above).

If an allegation or concern is not founded to have been malicious, people services will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual. We will retain these records at least until the individual has reached normal pension age, or for 10 years from the date of allegation if that is longer.

The records of any allegation found to be malicious will be deleted from the individual's personnel file.

## **13. References**

When providing employer references, we will not refer to any allegation that has been proven false, unsubstantiated or malicious. We will not refer to any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.



#### **14. Learning lessons**

After any cases where the allegations are substantiated, we will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to school procedures or practice to help prevent similar events in the future.

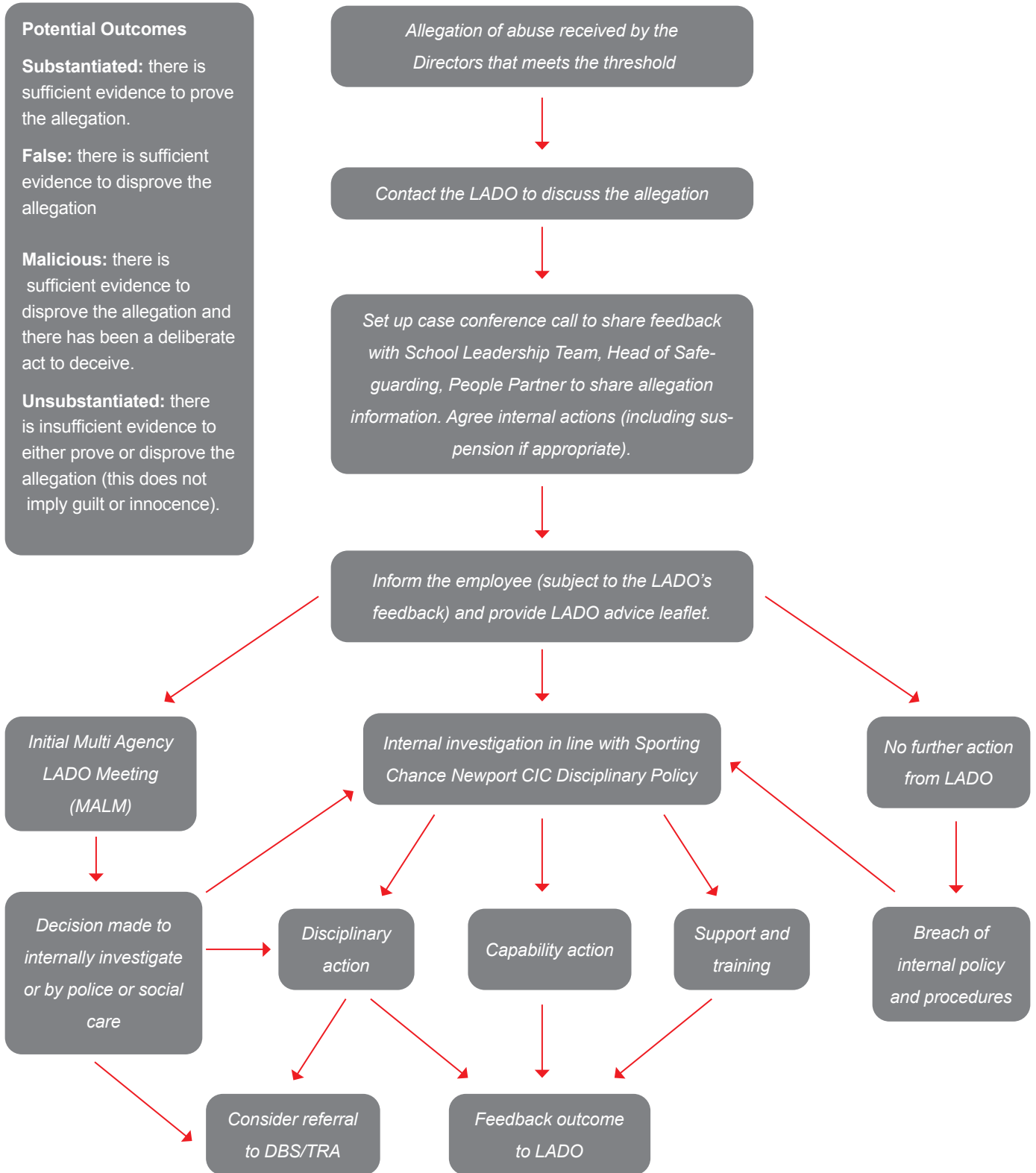
This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated.

We will consider how future investigations of a similar nature could be carried out without suspending the individual.

# Sporting Chance Newport CIC **Managing Allegations Policy**

## Appendix 1 Allegations of Abuse Against Staff Flowchart



## **Appendix 2 Staff Lado Leaflet**

### **Information for Persons Referred to LADO**

#### **What happens if an allegation is made against you?**

All Local Authorities must have in place a 'Local Authority Designated Officer' (LADO) to manage and oversee investigations into allegations made against adults who work or volunteer with children and young people either in a position of trust and or in a regulated activity. Examples include (but are not exclusive too): teachers, teaching assistants, sports coaches, nursery workers, school cleaners and caretakers, childminders, residential staff, foster carers, social workers, general practitioners, nurses, specialist school transport assistants and their drivers, members of the clergy, church wardens etc.

#### **What is an allegation or concern?**

With reference to Working Together to Safeguard Children (2018) and Keeping Children Safe in Education (2020) employers and professional agencies have a responsibility and duty to report allegations or concerns that make reference to an adult having:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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 to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

As well as concerns and allegations raised in a person's place of work, concerns regards a person's conduct in their personal life may also be considered relevant as the LADO and your employer/ agency has to consider the transferable risk. Examples may include instances which:

- A child you care for becomes subject of child protection enquiries by Children's Social Care.
- You have been the subject of a criminal investigation in relation to offences against children.
- You have difficulties with drug or alcohol misuse which might impact on your ability to do your job safely.
- There have been allegations of abuse against a member of your household or a person closely associated to you.

Allegations considered may be current or historic.

While allegations and concerns can be raised by the child, the employer, or colleague; anybody, including members of the public, can report concerns they have about a person working or volunteering with children to the LADO

### **What happens next?**

In instances where it is considered that the threshold for a Safeguarding LADO process has been met, an initial Multi Agency LADO Meeting (MALM) or discussion shall be convened. The purpose of the meeting or discussion will be to ensure that all necessary parties are aware of the details of the allegation or the concern. This will include your employer(s) and/or agency and may include the child's social worker (if they have one) or the child's school, the police, and/or a safeguarding representative from any voluntary organisations you may be affiliated to. It will be agreed who and how the concern or allegation is investigated i.e. which agencies shall be responsible for finding out or collating information that will inform the Final LADO safeguarding process decision.

### **Information sharing:**

As detailed in the introductory part of this leaflet, statutory agencies have a duty to share information in instances where they believe children may be at risk of harm. However, every effort is made to ensure that confidentiality is maintained, and information is restricted to those who have a need to know. The Local Authority will retain a record of the allegation and any associated documents in archive.

### **Will you be suspended?**

It is not the decision of the LADO process whether an individual is suspended. The decision to suspend is always that of the employer/agency from their Human Resources.

### **What can you expect?**

While investigations are not conducted by the LADO, the process is managed by the LADO and you will be notified and kept informed by your employer/agency of developments as soon as reasonable depending on the extent and nature of the investigation.

Depending upon seriousness or nature of concern, allegations can be investigated by the police, social care or by an employer under their disciplinary procedures. Please note that all previous concerns and allegations about you will be considered as part of the ongoing safeguarding LADO process. Throughout the investigation and safeguarding LADO process, you can expect to receive support from your employer or voluntary agency. This will include being allocated a named person who will keep you updated and being signposted to all the streams of support that are available to you. In some organisations, staff counselling will be made available to you, in other instances, you will be directed to universal services such as your G.P. and or the NHS Wellbeing Service. If you are a member of a trade union, you should make contact with them also.

The LADO will not;

- Undertake any investigation;
- Have direct communication with the person subject of the allegation;
- Provide advice and support to the person subject of the allegation,
- Provide HR advice in respect of suspension or dismissal

### **How long does the safeguarding LADO process take?**

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Some cases will take longer because of their specific nature of complexity. However, the LADO will endeavour to minimise unnecessary delay and ensure that investigations are resolved as quickly as possible. LADO invitees will be asked to detail and describe you and your role with children, and whether there have been any previous allegations or concerns made against you. Your views it is the expectation that your employer/agency seeks and fairly represents your views and response to the allegations made against you.

### **The Outcome of the Safeguarding LADO process**

At a final LADO meeting/case discussion, attendees will be asked to decide if the allegation on the balance of probability is:

1. Substantial: where there is sufficient identifiable evidence to prove the allegation.
2. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.
3. Unfounded: where there is no evidence or proper basis which supports the allegation being made. It might also 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.
4. False: where there is sufficient evidence to disprove the allegation.
5. Malicious: whether wholly or in part an allegation has been made with deliberate intent to deceive or cause harm to the person subject to the allegation.

You will be informed of the outcome by your employer/agency as soon as possible.

### **What happens next?**

Depending upon the severity of the allegation and the outcome decision of the LADO, your employer shall need to conduct a Risk Assessment in respect of your ongoing role with children. This may include further training, enhanced supervision and monitoring, modifications to your role etc. however, in some cases, your employer may take the decision to follow their own employment/disciplinary process. The decision to suspend or dismiss is always a decision for the employer or agency and not the LADO.

NB: This general guide does not replace any specialist advice that you may require from a Trade Union or HR and Legal Advisor. It is the expectation that you inform any other employer or agency with whom you hold a position of trust, that you are or have been a subject of a safeguarding LADO process and any subsequent outcome.

Further information about the LADO process can be found on your local safeguarding partnership website.

### **When further support is needed...**

When an allegation is made against you the emotional, social and economic impact on you can be significant. It is essential that you receive all the support that is available to you. As well as universal services such as your G.P., you may be entitled to access services through your employer/agency i.e. telephone counselling and occupational health. Your employer/agency should make you aware of any additional services that are available to you. You may also wish to contact your trade union representative if you have one.

### **Useful contacts**

Education Support Partnership

**<https://www.educationsupport.org.uk/>**

08000 562561

Advisory Conciliation and Arbitration Service (ACAS)

**[www.acas.org.uk](http://www.acas.org.uk)**

0300 123 1100 (8am – 6pm Monday – Friday)

Samaritans

**<https://www.samaritans.org/>**

T: 116 123

Mind

**[info@mind.org.uk](mailto:info@mind.org.uk)**

0300 123 3393

### Appendix 3 Equality Impact Assessment

Sporting Chance Newport CIC is committed to always: avoiding the potential for unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

An Equality Impact Assessment (EIA) is a tool for identifying whether or not strategies, projects, services, guidance, practices or policies have an adverse or positive impact on a particular group of people or equality group. While currently only public bodies are legally required to complete EIA's, Sporting Chance Newport CIC has adopted the process in line with its commitment to continually improve equality performance.

#### 1. Summary

<b>This EIA is for:</b>	Managing Allegations Policy
<b>This EIA is for:</b>	Paul Parry - Director
<b>Date of assessment:</b>	August 2020
<b>Assessment approved by:</b>	

#### Objectives and intended outcomes

This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of the Sporting Chance Newport CIC Anti-bullying Policy for all staff have been fully considered and addressed, whether or not staff members share a protected characteristic.

#### 2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Summary
Age		X		The policy applies equally to all members of staff regardless of age. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their age.
Disability		X		The policy applies equally to all members of staff regardless of health/disability. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their disability.
Pregnancy & Maternity/Paternity		X		It is not considered that the policy positively or negatively impacts on pregnant women or on staff on maternity or paternity leave.

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Equality Area	Positive	Neutral	Negative	Summary
Race (incl. origin, colour and nationality)		X		The policy applies to all members of staff regardless of their race, origin, colour or nationality. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively in these respects.
Gender and Gender Re-assignment		X		This policy applies equally to all members of staff regardless of their gender at any given time. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of gender.
Sexual Orientation		X		This policy applies equally to all members of staff regardless of their sexual orientation. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their sexual orientation.

### 3. Negative impacts and mitigations

Negative Impact	Mitigation	Owner
None		





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