



## **HIGHGATE** PRIMARY SCHOOL

### **Policy on the procedures for dealing with allegations of abuse against staff and volunteers working with children**

December 2023

#### **Introduction**

All organisations that provide services to children and young people must ensure that those who work with children, or on behalf of them, are competent and safe to do so. Similarly, everyone who comes into contact with children or young people in their work has a duty to safeguard and promote their welfare. All staff and volunteers should know how to recognise and report concerns or allegations and should understand what to do if they receive an expression of concern or allegation against another adult on site or if they themselves have concerns about the behaviour of another adult on site.

#### **Legislation**

We are compliant with the government guidance, Working Together to Safeguard Children (July 2018) and Keeping Children Safe in Education (September 2021), which together set out the framework for managing cases of allegations of abuse against people who work with children.

This policy follows the statutory advice included in Keeping Children Safe in Education (September 2021) and the Teachers' Standards 2013.

This policy reflects the Children Act 1989/2004 and is compliant with Section 157 of the Education Act (2002) and the accompanying Education (Independent School Standards) (England) Regulations 2010, including as amended in 2013.

#### **Local Authority Designated Officer**

Under Local and National procedures, each Local Authority is obligated to appoint a named officer to be involved in the management and oversight of cases where an allegation has been made against a professional. This is the Local Authority Designated Officer or LADO.

The LADO is responsible for liaising with police and other agencies as well as ensuring that the cases are dealt with as quickly as possible with consistency and with a thorough and fair process.

The LADO has responsibility for:

- Overseeing the management of individual cases
- Providing advice and guidance to employers
- Liaison with the police and other external agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistently and with a fair and thorough process

#### **Named Officer**

All organisations working with children must designate a named officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with the statutory guidance noted above
- Resolving inter-agency issues and liaising with partner agencies on this matter as necessary

At Highgate Primary School our Named Officer is the Head of Inclusion, Rebecca Lewis (RL).

RL will contact the LADO when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity, has:

- behaved towards a child or children in a way that indicates that they are unsuitable to work with children
- possibly committed a criminal offence against or related to a child
- behaved in a way that has harmed, or may have harmed a child

Allegations may relate to concerns about neglect, physical, sexual or emotional abuse or the use of restraint that is not permitted by law or guidance.

The Chair of Governors should also be kept informed if an allegation or complaint has been made.

### **What happens when the LADO has been contacted?**

It will be determined if the case meets the threshold for investigation. RL will not conduct any kind of investigation on her own.

If the allegation may be a criminal offence, the LADO will contact the police and Haringey CYPS. If the allegation requires a police investigation, a review meeting will be set up within seven days to ascertain the progress. It is the role of the LADO to oversee this process and avoid unnecessary drift within the investigation.

If the allegation may suggest that the child or children are at significant risk of harm then the LADO will contact Haringey CYPS and a child protection investigation will be undertaken. A strategy meeting will be convened to share information about the allegation, and plan the investigation and actions needed to protect children. It will be attended by the police, a social worker, a representative from HR and will be chaired by the LADO.

Depending on the nature of the allegation, it may be considered necessary for the school to suspend the member of staff/volunteer from all duties with immediate effect until the investigation is resolved. This is a decision made by the school in conjunction with Haringey Personnel and the Chair of Governors. Suspension is a neutral act.

If the allegation does not indicate a potential criminal offence or child protection issue, the matter may be passed back to the school for it to resolve under its staffing and disciplinary standards and procedures.

Even if a child protection investigation is inconclusive or does not result in a criminal conviction, action should still be considered under 'gross misconduct' if identified. An individual may not be assessed as perpetrating abuse but may still present significant risk to children due to their behaviour.

The procedures of allegations of abuse made against an adult should cross reference disciplinary procedures. Incidents of poor practice or incompetence may be dealt with by the school under disciplinary procedures, without contacting the LADO.

### **Who will information be shared with?**

Parents and caregivers must be informed at the earliest opportunity if their child has made an allegation, or there is a concern that they may have been harmed by someone working with them. Parents will be kept updated by RL. Any child who makes an allegation will be reassured that they have been taken seriously but the information cannot be kept confidential.

In a strategy meeting or initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is subject of the allegation and the alleged victim.

Under the Education Act, the alleged perpetrator of a criminal offence has the right to confidentiality unless or until the teacher is charged with a criminal offence. Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered, and to fulfil our obligations under the Data Protection Act 2018 and the General Data Protection Regulation 2018.

Apart from keeping the child, parents and the alleged perpetrator - in cases when this would not place the child at further risk - up to date with progress of the case, information will be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitable processes.

### **Record Keeping**

RL is responsible for compiling a clear and comprehensive account of:

- an allegation or concern (including details of contacts with the LADO)
- details of how it was followed up
- the decisions reached and the action taken

A note of any action taken and decisions reached will also be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has left. Even allegations or concerns that appear less serious must be followed up and taken seriously, before being considered by the LADO. Again a copy of the record must be given to the person concerned.

A central record of all allegations or concerns is securely held by RL who is responsible for passing this record on to her successor. The only exception to the above is allegations which are found to have been false, unsubstantiated, unfounded or malicious. These will be removed from personnel records. The record may provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation that did not result in a criminal conviction. Also, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the member of staff involved has reached normal retirement age, or for a period of ten years from the date of the allegation if that is longer.

### **Links to other policy documents**

This policy should be read in conjunction with the following documents:

- Whistleblowing Procedure
- Safeguarding Policy
- Complaints Procedure

### **Staff Responsible**

Rebecca Lewis:	Co-Headteacher and Designated safeguarding Lead (DSL)
William Dean:	Co-Headteacher and Deputy Designated safeguarding Lead (DSL)

### **Policy Monitoring and Review**

A copy of this guidance is available to all staff and parents and is published on the school website. Parents will be made aware of this policy when their child is admitted to this school.

This policy is reviewed every two years by the Governors' Safeguarding Committee.

**The table below lists, with references to the KCSIE paragraphs, the content of this policy. There have been considerable changes in KCSIE 2021 in layout/paragraphing and the inclusion of a section on dealing with low level concerns that do not cross the threshold.**

## **ALLEGATIONS & THE L.A. DESIGNATED OFFICERS (LADOs)**

- All Local Authorities have a statutory role of Local Authority Designated Officer (LADO) / Designated Officer or team of officers.
- The LADO Team is responsible for coordinating the response to concerns that any person aged 16+ who works with children may have caused them harm.

### **Report concerns about a professional working in Haringey:**

Phone: 020 8489 2968

Email: [lado@haringey.gov.uk](mailto:lado@haringey.gov.uk)

## **Professional responsibilities**

School is committed to:

- Inform children & their families how they can raise concerns when a Person in a Position of Trust has harmed a child
- Let staff know that they have a statutory duty to raise concerns if they suspect a child has been harmed by someone in a position of trust or has not declared a relevant concern in their personal life
- Have clear Allegations procedures and a senior appointed person responsible for managing allegations against staff & volunteers in setting
- Make LADO referrals within 24h of being notified of concerns.

## **What's an allegation?**

An allegation refers to where any member of staff or volunteer is suspected of / reported to have behaved in a way that has or may have harmed a child; has or may have committed a criminal offence against or related to a child; behaved towards a child or children in a way that indicates that 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. Note the LADO thresholds relate to simple harm (not significant harm).

Most allegations against staff or volunteers relate to their behaviour in the workplace towards children & young people. However, some allegations may relate to **concerns in professionals' personal life** as these may have bearing on professionals' suitability to work with children or may indicate a transferable risk. Concerns in personal life include but are not limited to:

- Concerns raised about the wellbeing of their own children
- Accusations of perpetration of domestic abuse, coercion and control
- Violent / sexual offences against adults
- Drug / weapons offences

**Staff must report any such concerns arising in their personal lives** without delay to the Headteacher, so that a risk assessment can be undertaken, and concerns can be discussed with LADO.

## **REPORTING CONCERNS IN SCHOOL**

- It is a statutory duty to refer to LADO if you believe a person in a position of trust may have harmed a child, or that any of the below thresholds are met.
- Allegations procedures must be applied to all staff or volunteer (aged 16+) working on behalf of the school, including volunteers, governors, contractors, agency and third-party staff, including supply staff, visitors and contractors.
- All allegations within schools must be referred to the Headteacher / Principal in the first instance and without delay.

- In the event of allegations of abuse being made against the **Headteacher/principal**, allegations should be reported to the **chair of governors/chair of the management committee/proprietor of an independent school** who will case manage the allegation. If in doubt, any member of staff can discuss their concerns with the LADO.

### The role of the Headteacher / Allegations caseholder

- **The Headteacher must consult the** Local Authority Designated Officer (LADO) within 24 hours of school becoming aware / being notified of a concern, to agree further action to be taken in respect of the child and staff member and to determine whether the concern meets LADO thresholds (above).
- The London Child Protection Procedures clarifies that the **LADO should always be consulted to determine whether a concern meets threshold** – i.e., whether it should be treated as an allegation or a concern.
- Although information should be gathered by the case manager / Headteacher in order to make a LADO referral, care must be taken not to investigate prior to LADO ensuring that Police do not intend to investigate the case.
- A discussion about whether any safeguards need to be put in place during the course of the LADO process can be discussed at point of referral.
- The member of staff against whom the allegation is made should be notified that an allegation has been made unless it would place another at an increased risk of harm. The detail of the allegation and the source of the allegation should not be disclosed without LADO and police agreement.
- The child and their parents/carers should be informed about the concern and support should be provided.
- LADO will support the caseholder (usually the Headteacher or Principal) throughout the LADO case.

### LADO Thresholds

One or more thresholds may apply:

- **HARM Threshold**  
Behaved in a way that has, or may have, harmed a child (under 18s)
- **CRIMINAL Threshold**  
Possibly committed a criminal offence against or in relation to a child (under 18s)
- **RISK / TRANSFERABLE RISK Threshold**  
Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- **SUITABILITY Threshold**  
Behaved in a way that indicates that they might be unsuitable to work with children

### Statutory process

- As the LADO fulfils a statutory process under Civil Law, the burden of proof is 'On Balance of Probabilities'. This differs from Criminal Law's 'beyond a reasonable doubt'.
- In some cases, the police process will work alongside the LADO process. Where a police investigation is likely to be ongoing, a LADO outcome can be agreed by the professional network provided there is sufficient information to agree a LADO outcome on the balance of probabilities.
- Regardless of whether police progress in a case does not impact continuance via LADO.
- Disciplinary action may need to be put on hold pending LADO outcome.

### REFERRAL TO LADO

- If LADO thresholds are / may be met, LADO must be notified, and a LADO referral completed.
- If concerns fall below the thresholds, LADO will offer a consultation.

## **Confidentiality**

- Allegations should always be reported directly to the named Senior individual responsible for managing allegations in setting.
- Allegations should remain highly confidential as they can have significant repercussions on career and reputation.

## **Managing risk pending outcome**

- Employers must consider how to keep both staff and children safe pending the outcomes of any investigations.
- Options can involve one or several of the following: risk assessment; moving to another site in the same role; remain in post with supervision in the presence of children; and/or withdrawing from current role.
- Some allegations will be so serious that they require immediate suspension (with pay) pending LADO / police outcome. Suspension should be used as a last resort.
- LADO may give a view on suspension, but this decision lies with the Employer.

## **LADO PROCESS**

- Once a LADO referral is received, LADO will refer to the Child Abuse Investigation Team (CAIT) police if there is any possibility of a criminal offence relating to or against children.
- Children, young people, and their families should be notified of concerns in a sensitive manner, and offered appropriate support. They should be advised about the referral to LADO and whether police have been notified.
- Employers/supervisory authorities should advise individuals that an allegation has been made against them and that it has been referred to LADO, as per statutory requirements. The details of the allegation and who made the allegation will not usually be shared at this time.
- This can provoke anxiety and can be stressful; employers should exercise their duty of care to support workers appropriately, and appoint a support person for the worker, provide details of Employee assistance programme and advise to contact unions.
- All parties are asked to refrain from discussing the allegation pending a LADO / Police outcome as this could represent a criminal offence.

## **ASV Meetings**

- An Allegations Against Staff & Volunteers (ASV) meeting will be scheduled to share information and concerns and agree a fair and proportionate way forward.
- ASV meetings are usually attended by the Employer/supervisory authority, the LADO, the child abuse investigation team at Police. Other relevant professionals in the network can be included.
- The individual of concern is not invited to this meeting, and nor is the child / family who was harmed.

## **Investigation**

- An investigator will be appointed following the first Allegations Against Staff & Volunteers (ASV) meeting.
- If police are involved, this will be a police investigation team DC.
- Otherwise, the Employer/supervisory authority will appoint an investigative officer.
- In some circumstances, an external investigator may be appointed.

## **LADO Outcomes**

Following investigation, the LADO and other professionals will agree a LADO outcome for each allegation made:

- Substantiated – On balance of probabilities, there is evidence to suggest that the allegation is true.
- Unsubstantiated – On balance, there is insufficient evidence to prove or disprove the allegation; does not imply guilt or innocence.
- False – On balance, there is evidence to disprove.
- Unfounded – On balance, there is no evidence or proper basis which supports the referral.
- Malicious – On balance, there is evidence to suggest a deliberate act to deceive and the allegation is false.

## NEXT STEPS

### DBS Barring Referral

- Employers are legally required to make a DBS barring referral if the allegation is substantiated/if individual is removed from regulated activity/where they would likely have been dismissed had they not first left/resigned.
- <https://www.gov.uk/guidance/barring-referrals>

### Regulatory referrals

- Regulated professionals must be referred to their regulator following a substantiated outcome, or any conduct which violates their professional standards.

### Disciplinary action

- Following the conclusion of LADO / Police action, Employers/supervisory authorities can proceed to disciplinary action, if required.

### Guidance & statutory basis for these procedures:

- [Haringey LADO Procedures](#)
- [London Child Protection Procedures](#) §7
- [Working Together to Safeguard Children](#) 2018 §2.4
- [Keeping Children Safe in Education](#) 2020 §4

#### Advice:

*There should be a brief overview and reminder about who to report allegations to in the SG\_CP policy with details covered in Part 4 set out in a separate policy and in line with local procedures.*

### Section one: Allegations that may meet the harms threshold

- This guidance should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:
  - behaved in a way that has harmed a child, or may have harmed a child and/or;
  - possibly committed a criminal offence against or related to a child and/or;
  - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
  - behaved or may have behaved in a way that indicates they may not be suitable to work with children. **Para 338**

*Note: The last bullet point above includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children, this is known as transferable risk. **Para 339***

- An appropriate assessment of transferable risk to children with whom the person works will be undertaken and advice sought from the local authority designated officer (LADO). **Para 340**
- Statement about who to report allegations too. EG: the headteacher, if it concerns a member of staff or if the allegation concerns the headteacher, the report should be made to the Chair of Governors. **Para 341**
- A “case manager” will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor. **Para 341**
- The policy should cover the following aspects:
  - The initial response to an allegation **Para 342-350**
  - No further action **Para 351**
  - Further enquiries **Para 352-355**
  - Supply teachers and all contracted staff **Para 355-359**
  - Governors **Para 360**

- Suspension [Para 361-368](#)
- Supporting those involved - Duty of care [Para 369-271](#)
- Confidentiality and Information sharing [Para 372-380](#)
- Allegation outcomes [Substantiated Malicious False Unsubstantiated or Unfounded] [Para 381-385](#)
- Following a criminal investigation or a prosecution [Para 386-387](#)
- Unsubstantiated, unfounded, false or malicious allegations [Para 388-389](#)
- Returning to work [Para 390](#)
- Managing the situation and exit arrangements Resignations and 'settlement agreements' [Para 390-396](#)
- Record keeping [Para 397-400](#)
- References [Para 401](#)
- Learning lessons [Para 402-403](#)
- Non recent allegations [Para 404](#)

## **Section Two: Concerns that do not meet the harm threshold**

Policy statement:

- this covers process to manage and record any such concerns and take appropriate action to safeguard children for dealing with concerns (including allegations) which do not meet the harm threshold set out in section 1
- concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. [Para 406](#)
- The policy should cover the following aspects:
  - Low level concerns [Para 407-408](#)
  - What is a low level concern? [Para 409-412](#)
  - Staff code of conduct and safeguarding policies [Para 413-415](#)
  - Sharing low-level concerns [Para 416-418](#)
  - Recording low-level concerns [Para 419-422](#)
  - References [Para 423](#)
  - Responding to low-level concerns [Para 424-427](#)

Please note that the London Child Protection Procedures clarifies that the **LADO should be consulted to determine whether a concern meets threshold** – i.e., whether it should be treated as an allegation or a concern.





**Flow diagram of procedures followed when there is an allegation of abuse against staff**

