



*Together we can make a difference*

## **Allegations of Abuse Against Staff Policy**

**Name of school:** Bexton Primary School

**Date of review:** Spring 2015

**New review date:** Spring 2018

Children have a right to be safe at all times. There are occasions when there may be risks presented by those working with them – this policy sets out the process if there are concerns about the actions of a professional working with children and young people.

This policy reflects the advice and guidance from Cheshire East Council, further details can be found at

<http://www.online-procedures.co.uk/pancheshirece/procedures/allegations-against-staff/managing-allegations-of-abuse-against-adults-who-work-with-children>

### **Background**

Children can become victims of abuse and exploitation by those who work with them in any setting. Compliance with these procedures will help to ensure that allegations are dealt with consistently and in a timely manner; that a thorough, proportionate and fair process is followed and that processes are open to challenge.

Arrangements for managing concerns or allegations of this nature should be robust and effective in keeping children safe. All allegations should be taken seriously, approached with an open mind, and not be driven by preconceived opinions about whether a child has or has not been harmed. Guidance on Safer Working Practices for Adults who Work with Children and Young People is available which will help individuals form judgements on what may constitute behaviour that is unsafe or abusive.

These procedures apply to any adult who works with children, whether a professional, staff member, or volunteer, where there is concern or an allegation that a person who works with children and young people, in connection with his/her employment or voluntary activity:

- has behaved in a way that has harmed a child, or may have harmed a child;
- has possibly committed a criminal offence against or related to a child; or
- is an individual who may pose a risk of harm towards a child.

The procedures will also apply where:

- There are inappropriate relationships between members of staff/volunteers and children or young people, for example:

- An adult is having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual;
- An adult is 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence;
- There is 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;
- An adult is in possession of indecent photographs/pseudo-photographs of children.
- It is discovered that a person who is or has been working with children or young people has been previously involved in child abuse;
- An allegation has been made against a person working with children in a paid or voluntary capacity but the allegation does not relate to the working environment e.g. allegations by their own children;
- An allegation is made against a partner, member of the family or other household member, which gives rise to concerns about the safety of children or young people with whom the person has contact within his/her work or voluntary activity.

These procedures do not apply to matters that amount to bad or poor practice, which remain within normal line management arrangements.

Historical allegations should be responded to in the same way as contemporary concerns. It is important to establish if the person is still working with children and if so to inform the current employer or voluntary organisation.

Investigators should be alert to the signs of organised or multiple abuse and/or the involvement of other perpetrators or institutions. They should then consider whether the matter needs to be dealt with under the procedures for organised or multiple abuse, which if applicable, will take priority.

A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.

Staff and volunteers are also strongly advised to report any incident involving them that could give rise to concern including the potential for misinterpretation by others.

### ***Key Principles***

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a criminal offence;
- Assessment by Children's Social Care about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action in respect of the individual.

Some cases will also need to be referred to the Disclosure and Barring Service for consideration of inclusion of the individual on the DBS barred lists.

An investigation must:

- Take all allegations against a professional, staff member, or volunteer seriously;
- Be conducted in a way that is consistent with statute and guidance, and the Pan Cheshire Multi Agency Safeguarding Procedures;
- Be concerned with all affected children regardless of their living environment;
- Be independent of the immediate line management of those against whom allegations have been made;
- Be completed in a timely manner consistent with a thorough and fair investigation.

## 1 Roles and Responsibilities

Each LSCB member agency must identify a named senior officer who will usually be their representative on the LSCB and occupy a strategic role within their organisation. At Bexton Primary School this will be the Head teacher, Mr Dolan or the Chair of Governors, Mr Peter Woodhouse where the allegation relates to the Head Teacher.

The named senior officer will:

- Ensure the agency deals with allegations in accordance with these procedures;
- Resolve any inter-agency issues;
- Liaise with the LSCB;
- Meet with the Local Authority Designated Officer on a regular basis to discuss organisational response to allegations made against staff members, or volunteers.

All agency procedures should also designate an operational senior manager – Designated Senior Manager (DSM) to whom allegations or concerns should be reported, together with a deputy to cover their absence or to cover a situation where they are the subject of the allegation.

Each authority has a Local Authority Designated Officer (LADO) who is normally the manager of the authority's Safeguarding Unit. The functions of the LADO are to:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary agencies;
- Liaise with the Police, Social Care, CPS and other agencies as required;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Ensure that information on the management of allegations is collated and that relevant data on activity and outcome is made available on a quarterly basis;
- Meet with Senior Named Officers on a quarterly basis to monitor organisational response to allegations made against professionals, staff members, or volunteers. This must include Police, Health, Education and the Senior Manager responsible for Looked After Children;
- Identify themes/issues regarding the safety of children and ensure that these are communicated so that lessons can be learned;
- Demonstrate clear leadership and develop sound governance, accountability and scrutiny processes across all agencies involved with the implementation of these procedures.

The LADO must be informed of all allegations that come to the employer's attention and appear to meet the criteria set out in "*What is the Scope of the Managing Allegations of Abuse Against Adults Who Work with Children Procedures?*" so that they can consult with the Police and Children's Social Care colleagues as appropriate. The LADO should also be informed of any allegations that are made directly to the Police (which should be communicated via the Police Force's operational senior manager).

The Detective Inspector in Strategic Public Protection will be the named senior officer and will:

- Have strategic oversight of the local Police arrangements for managing allegations against staff and volunteers;
- Cases requiring criminal investigation will be conducted with the involvement of both the PPU and the Professional Standards Department;
- Cases requiring disciplinary enquiries will be handled by the Professional Standards Department;
- Cases will also be overseen by the Independent Police Complaints Commission (IPCC);
- Liaise with the LSCB on the issue;

- Ensure compliance with these procedures.

The relevant Cheshire Constabulary Area Public Protection Unit Manager will:

- Liaise with the Local Authority Designated Officer;
- Take part in the Strategy Discussions/Meetings;
- Review the progress of cases where there is a Police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution;
- Children's Social Care will designate an operational senior manager to;
- Liaise with the LADO;
- Take part in strategy discussions/meetings;
- Review the progress of cases where there is an investigation;
- Share information as appropriate on completion of an investigation or related prosecution.

The relevant Human Resources Personnel should be a core part of the process and;

- Liaise with the LADO;
- Take part in strategy discussions/meetings;
- Review the progress of cases where there is an investigation;
- Share information as appropriate on completion of an investigation or related prosecution.

Ofsted should be informed of any allegations or concern made against:

- A member of staff in any early years establishment for children under 8;
- A registered childminder;
- A foster carer;
- A member of staff in a residential child care facility.

**NB** Ofsted should also be invited to take part in any related strategy discussions / meetings.

## 2 Raising Concerns

If you have concerns about the actions of another professional in relation to their work with children and young people you have a legal duty to report these. This section looks at that process and the person you report it to should do next.

Staff should be aware that children and young people may feel unable to express concerns. All staff must therefore be aware that they have a legal duty to take action if they have concerns about the safety of children and report their concerns about the attitude or actions of colleagues, or volunteers to the Head Teacher or Assistant Head Teacher, following the school whistleblowing policy. A copy of the school whistleblowing policy is given to all new employees and made easily available to all staff.

Any concerns not raised directly with the Head Teacher must be reported to him by the person to whom the concern is voiced.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, she/he should report the matter to:

- The Head Teacher; or
- The Chair of Governors; or
- The Local Authority Designated Officer.

### **3 Allegations Against Staff in their Personal Lives**

If an allegation of abuse or neglect of a child, outside of the work environment, is made against a person known to be working with children in a paid or voluntary capacity, and gives cause for concern about the children with whom they have contact during the course of their work, the Local Authority Designated Officer should be advised and this procedural guidance will apply.

### **4 Initial Response**

An allegation against a member of staff may arise from a number of sources e.g. a report from a child victim, a concern raised by another child or an adult in the organisation, or a complaint by a parent or carer.

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

S/he should:

- Communicate as appropriate to the child's age, understanding and preferred language;
- Instigate immediate medical care where appropriate and take any immediate action necessary to protect the child;
- Offer reassurance that the information will only be shared on a need to know basis;
- Make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), person's present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager or deputy in his/her absence or where the designated senior manager is the subject of the allegation.

S/he should not:

- Investigate or ask leading questions;
- Interrupt a child when recalling significant events;
- Make assumptions or offer alternative explanations;
- Promise complete confidentiality.

The Designated Senior Manager should report the allegation or concern to the LADO within one working day of the allegation being made or the concern being raised.

### **6. Initial Action**

When informed of a concern, the Designated Senior Manager (DSM) will not investigate the matter or interview the member of staff concerned, the child or potential witnesses;

S/he should:

- Obtain written details of the concern/allegation, signed and dated by the person who received them (not the child/adult making the allegation);
- Countersign and date the written details;
- Record any information about times, dates and location of alleged incident(s) and names of any potential witnesses;
- Record discussion about the child and/or member of staff, any decisions made and the reasons for those decisions.

If the allegation meets the criteria set out in these procedures the DSM should report it to the LADO within one working day. Referral should not be delayed in order to gather further information. The referral may be made verbally but must be followed up in writing within 3 working days.

As soon as possible after an allegation is made, the parents or carers should be informed. Where possible, advice should be sought from the LADO in advance on how this should be managed.

The LADO should also be consulted about how and when the accused member of staff/volunteer is to be informed of the allegation. If sharing the information with the member of staff will not impede or undermine any subsequent investigation, there should be no delay in doing so. At this early stage, it is advisable to only explain that an allegation of a child protection nature has been made. The detail of the allegation can be explained by the investigative agencies.

If an allegation requires immediate attention but is received outside of normal office hours, the Designated Safeguarding Lead / Head Teacher should consult the Out of Hours Service/Emergency Duty Team or the CPU via the local Police. The DSL should inform the LADO the next working day and this should be followed up in writing within 3 working days.

If a Police Officer receives an allegation, she/he should, without delay, report it to the relevant Cheshire Constabulary Area Public Protection Unit Manager. The relevant Cheshire Constabulary Area Public Protection Unit Manager should immediately inform the LADO.

Similarly, an allegation made directly to Children's Social Care should be immediately reported to the LADO.

## **7. Response from Local Authority Designated Officer**

The Local Authority Designated Officer (LADO) must be informed of all allegations that come to the employer's attention and appear to meet the criteria set out in these procedures – this section sets out what the LADO will do when notified.

The Local Authority Designated Officer (LADO) must be informed of all allegations that come to the employer's attention and appear to meet the criteria set out in "*What is the Scope of the Managing Allegations of Abuse Against Adults Who Work with Children Procedures?*" The Local Authority Designated Officer should also be informed of any allegations that are made directly to the Police (which should be communicated via the Police Force's Designated Senior Manager).

The LADO should first establish that the allegation is within the scope of these procedures and may have some foundation. The LADO and the DSM should therefore consider together whether the allegation is verifiable and whether any further details may be needed to establish the facts of the allegation.

If the allegation is not demonstrably false at the outset and there is cause to suspect that a child is suffering or likely to suffer significant harm the LADO will immediately make a referral to the Children's Social Care Duty Team (if the case is not known to Children's Social Care and initial enquiries have not already commenced) and request the initiation of Child Protection Enquiries following the Basic Safeguarding Children Procedures.

If the referral is established as meeting the criteria set out in this manual and Working Together, a LADO Strategy Meeting will be convened within 72 hours. If action is required under the Basic Safeguarding Procedures to safeguard any children involved, this action must not be delayed

pending the LADO Strategy Meeting but must take account of other ongoing investigations e.g. criminal investigations by the Police.

The Police must be consulted about any case in which a criminal offence may have been committed. Where the threshold for significant harm is not reached but a police investigation may be needed, the LADO should discuss with the police the timing and conduct of any criminal investigation and whether any disciplinary process can run in parallel or may need to await the outcome of police enquiries.

In advance of the LADO Strategy Meeting, if the parents/carers of the child concerned are not already aware of the allegation, the LADO will discuss how and by whom they would best be informed. In cases where the Police and Children's Social Care are involved, the LADO should consult these colleagues about how to best inform parents. The parents/carers should be told of the allegation as soon as possible.

There are some circumstances where the employer may need to directly advise parents of an incident involving their child e.g. if the child was injured while in the organisation's care and requires medical treatment. In these circumstances the employer should take care not to say anything that could jeopardise the ability to conduct a proper investigation.

The employer should inform the person against whom the allegation is made as soon as possible. The LADO will advise the employer about the point at which a person against whom the allegation has been made can be informed as it is important that the timing of this does not impede any investigations. The employer will then decide what action to take in relation to suspension of the employee.

If the referral does not meet the criteria in this section, the LADO will advise the employer on the next steps that may be taken which include:

- Taking no further action;
- More supervision for the employee;
- Training;
- Disciplinary action/Not using person's services in the future.

## **8 The Strategy Meeting**

Where an allegation has been made against a professional it is likely that a strategy meeting will need to be held. As the allegation is against a professional these strategy meetings are slightly different to general strategy meetings in make-up and content.

The participants in the LADO Strategy Meeting should be sufficiently senior to contribute all relevant available information about the allegation, child and accused person. The participants must also be able to make decisions on behalf of their agencies. The meeting will be chaired by the LADO or another manager from the authority's Safeguarding Unit and participants could include:

- Relevant Social Worker and their Manager;
- Investigating police officer;
- Legal advisor if appropriate;
- Paediatrician if appropriate;

- DSM for the employer/establishment concerned;
- Senior Representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints;
- Those responsible for regulation and inspection where applicable e.g. OFSTED;
- Human Resources representative as appropriate;
- Where a child is placed by or resident in another authority area, relevant representatives from that area.

The LADO Strategy Meeting should:

- Ensure that, where appropriate, immediate arrangements have been or are made to protect the child/ren involved and any other child/ren possibly affected;
- If not already instigated, decide whether there should be a Section 47 enquiry and/or police investigation and consider the implications of such enquiries;
- Consider whether an organised or multiple abuse investigation is applicable;
- Consider the future needs of the establishment and strategies where abuse is considered to be widespread;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Agree the sharing of information for disciplinary or suitability processes, including the use of any record of video interviews;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children, for example, Section 550a of the Education Act, 1996;
- Plan enquiries if needed, allocate tasks and set time-scales;
- Decide what information can be shared, with whom and when;
- Consider what support should be provided to all children who may be affected directly or indirectly;
- Decide how the child(ren), if sufficiently mature should be helped to understand the processes involved and be kept informed about the progress of the case;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension;
- Consider what support should be provided to the accused person and any other colleagues who may have been affected;
- Should the allegation breach the accused person's Professional Code of Conduct consider when the allegation will be referred to the accused person's regulatory body;
- Agree protocols for reviewing investigations and monitoring progress by the LADO having regard to timescales;
- Consider issues for the attention of senior management, for example, media interest, resource implications, possible claims for compensation and alerting insurers;
- Agree dates for future strategy discussions/meetings if required.

The meeting will conclude with agreed actions, specification of persons responsible for such actions and specified timescales for completion.

The minutes of the meeting will be distributed within a maximum of 15 working days.

If the Strategy Meeting was not chaired by the LADO, the Chair of the Strategy Meeting, and any subsequent reviews, must provide the information to the LADO within 3 working days of the meeting taking place.

Where the accused person works for another organisation the Local Authority Designated Person will need to inform the Senior Manager within that organisation who has overall responsibility for



ensuring these procedures are followed at an operational level of the outcome of the Strategy Meeting.

### ***What Happens After the LADO Strategy Meeting?***

The Chair of the Strategy Meeting/LADO will monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of formally reviewing the strategy meeting or by direct liaison with the Police, Children's Social Care or the accused person's employer as appropriate. Where the target timescales cannot be met the Chair of the Strategy Meeting/LADO must record the reasons;

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the strategy meeting. Dates for further reviews should also be agreed either fortnightly or monthly depending on the complexity of the investigation;

The LADO will maintain comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the DE as required;

The aim is to resolve most cases within 3 months and all but the most exceptional cases within 12 months as it is recognised that cases requiring a criminal prosecution or complex police investigation may not be completed in less than 3 months.

## **9. Support**

When an allegation is made there is a need for those directly involved to be kept abreast of developments.

### ***Children, Young People, Parents or Carers***

Parents/carers and involved children should be told about an allegation as soon as possible if they do not already know of it. The parent(s) carers and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and its outcome. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used, in a Hearing;

If the child may have suffered significant harm, or there may be a criminal prosecution, the agencies involved should consider what support the child may need;

### ***Staff and Volunteers Subject to Allegations or Concerns***

The member of staff/volunteer should be:

- Treated fairly and honestly and be helped to understand the concerns expressed and the processes involved;
- Advised to contact a union or professional association if a member;
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;

- Provided with any support needed while the case is ongoing e.g. occupational health/employee welfare;
- Kept up to date about events in the workplace, if suspended.

The Employer should be aware of any duty of care implications for the wellbeing of the employee and ensure they are treated fairly and reasonably in all circumstances.

## **10. Confidentiality**

When an allegation is made against a member of staff it can quickly escalate into everyone wanting to know what is going on. The person against whom the allegation is made is entitled to confidentiality and breaching this can have serious consequences for any investigation.

Every effort should be made to maintain confidentiality and to guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and the person against whom an allegation has been made up to date with the progress of the case, information should be restricted to those who have a need to know in order to protect the child, progress enquiries, and manage related disciplinary/suitability processes;

The Police will not normally provide identifying information to the press or media, unless and until a person is charged, unless there are exceptional circumstances, e.g. an appeal to trace a suspect. The reasons should be documented and partner agencies consulted before any press statements are released.

## **11. Unfounded and Malicious Allegations**

Where it is concluded that there is insufficient evidence to substantiate an allegation, the LADO will advise the designated senior manager of the employer to enable her/him to consider what further action, if any, should be taken;

False allegations may be a strong indicator of abuse taking place elsewhere in a child/young person's life, which require further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Children's Social Care to determine whether the child is in need of services or may have been abused by someone else;

If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

## **13 Disciplinary Process or Assessment Regarding Suitability**

This section considers the various outcomes following an allegation being found to have substance.

The LADO and the DSM should discuss whether internal disciplinary investigation is appropriate in cases where:

- It is clear at the outset or when decided by initial considerations that a Police investigation or Social Care enquiry is not necessary; or

- The employer or the LADO is informed by Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued; or
- The Police and CPS formally agree to a disciplinary investigation running concurrently with their own investigations.

The discussion should consider any potential misconduct and/or suitability issues on the part of the member of staff and take account of:

- Information provided by the Police and/or Social Care;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

The options for action will range from no further action to summary dismissal or not using the person's services in the future.

If formal disciplinary action is not required, the employer should institute appropriate action within 3 working days. If a disciplinary hearing is required and further investigation is not required, the hearing should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.

The aim of the an investigation is not to prove or disprove the allegation but to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. All possible steps must be taken to avoid repeated interviewing of children.

The investigating officer should aim to provide a report within 10 working days. On receipt of the report the employer should decide within 2 working days whether a disciplinary hearing is needed. If a hearing is required it should be held within 15 working days.

If, at any stage, new evidence emerges which make a referral to Children's Social Care and/or the Police necessary under the safeguarding procedures, the investigation should be adjourned and only resumed if the Police and/or Children's Social Care indicate that it will not interfere with any Child Protection Enquiries or criminal investigation. Consideration should again be given as to whether suspension is appropriate in light of the new information.

### ***Sharing Information for Disciplinary Purposes***

If a LADO Strategy Meeting is to be held or if Children's Social Care or the Police are to make enquiries, the LADO should canvas views on suspension and inform the employer.

Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by the Local Authority or Police.

The Police and Children's Social Care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

If the Police or Crown Prosecution Service decide not to charge, or decide to administer a caution, or the adult is acquitted, the Police should pass all relevant information to the employer without delay.

If the adult is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

### ***Suspension***

Suspension is a neutral act and should not be automatic. However, it should be considered in any case where;

- There is a cause to suspect a child is at risk of significant harm; or
- The allegations warrant investigation by the police; or
- The allegations are so serious that it might be grounds for dismissal;
- There is evidence/information to indicate that the adult might/has interfered with the investigation or intimidated witnesses.

The possible risks should be evaluated and managed in respect of the child/young person involved and any other child in the accused member of staff/volunteer's home, work or community life. In some cases this will require the employer suspending the person.

The decision to suspend rests with the employer. The employer should, however, make an informed decision by seeking advice from the LADO and from investigative agencies where they are involved.

### ***Record Keeping***

Employers should keep a clear and comprehensive record of the allegation, investigation and decisions reached on a person's confidential personnel file and give a copy to the individual. It should be kept at least until the person reaches normal retirement age or for 10 years if this is longer.

### ***Resignations and 'Compromise Agreements'***

Every effort should be made to reach a conclusion in all cases even if;

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

'Compromise Agreements' must not be used. A 'Compromise Agreement' is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

### ***Supply, Contract and Volunteer Workers***

In the case of Supply, Contract and Volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should consider jointly with the providing agency, if any, whether to continue to use the person's services, or to provide future work with children, and if not whether to make a report for consideration of barring or other action.

## 14. Cross Boundary Issues & Disagreements

Where a child makes an allegation in a setting or placement which is outside the local authority area, the lead responsibility for safeguarding action in respect of the child lies with the local authority for the area where the alleged abuse occurred. This page also considers the process if there are disagreements between the LADO and the referring agency.

### ***Cross boundary issues***

Where a child makes an allegation in a setting or placement which is outside the local authority area, the lead responsibility for safeguarding action in respect of the child lies with the local authority for the area where the alleged abuse occurred. However responsibility for any action under these procedures in respect of the adult lies with the local authority for the area where the accused adult works;

The LADO and social workers in the respective authorities must liaise and agree a joint strategy;

When an allegation is made by one child, checks should be made as to whether there are any other children from the home local authority area in the setting or placement. If so, the relevant social workers and managers must be informed, and the LADO should consult with them about the action required.

### ***Disagreements***

If at any stage there is a disagreement between the LADO and the referring agency every attempt should be made to reach a resolution but where this is not achieved the LADO and the referring agency should refer the matter to their respective named senior officer for further joint consideration. This should be completed in a timely manner to ensure compliance with the overall timescale for these procedures. Thereafter if resolution is still not achieved the matter should be referred to the Director of Children's Social Care.

## 15. Referral to Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) maintains records of those who are unsuitable to work with children and vulnerable adults. There are certain circumstances when a referral to the DBS must be considered.

The Vetting and Barring Scheme replaced List 99, the POCA list and the POVA list in October 2009. It is operated by the Disclosure and Barring Service and aims to ensure that unsuitable people do not work with children, whether in paid employment or on a voluntary basis.

Two barred lists are maintained:

- Persons barred from working with children;
- Persons barred from working with adults.

It is a criminal offence for a barred person to engage in work with children or adults if barred and for an employer to knowingly engage a barred person to carry out such work.

If an allegation is substantiated and:

- The person is dismissed; or
- The employer ceases to use the person's services;
- Or the person resigns or otherwise ceases to provide their services,

The LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service and/or a professional regulatory body.

A referral must be made if a person is or would have been removed from working with children or adults and the employer thinks 'relevant conduct' has occurred or the individual poses a risk of harm. Relevant conduct is defined as:

- Endangers a child or is likely to endanger a child;
- Involving sexual material relating to children;
- Involving sexually explicit images depicting violence against human beings;
- Sexual behaviour involving a child.

In compiling a report for a barring or regulatory body, the employer will be assisted by the LADO in:

- Ensuring wherever possible, the employer receives sufficient evidence from Children's Social Care enquiries and Police investigations;
- The interpretation of outcomes and professional opinion;
- The identification of risks to children.

If a referral is to be made it should be submitted within 1 month of the allegation being substantiated. Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

A referral must always be made if the employer thinks that the individual has harmed a child or poses a risk of harm to children.

## **16. Objectives and Scope of the LSCB**

The LSCB oversees the safeguarding agenda for all relevant agencies that work in its area. This page sets out the scope of those responsibilities.

The functions of a LSCB are set out in Section 14 and 14A of the Children Act 2004 and in the Local Safeguarding Children Regulations 2006. The core objectives set out by the legislation and regulations are co-ordination of the activities of member agencies in safeguarding and promoting the welfare of children and monitoring the effectiveness of that activity so that children have optimum life chances and enter adulthood successfully.

The LSCB is responsible for co-ordinating the activities of member agencies in safeguarding and promoting the welfare of children in 3 broad areas:

Activity affecting all children which aims to identify and prevent maltreatment, or impairment of health or development and ensure children grow up in circumstances consistent with safe and effective care e.g. promoting understanding of safeguarding and monitoring the effectiveness of organisations activities;

Proactive work aimed at particular groups e.g. children who are potentially more vulnerable than the general child population such as young people in custody;

Work to protect children who are suffering, or are likely to suffer significant harm e.g. undertaking Section 47 Enquiries.

The LSCB is not accountable for the operational work of its constituent members.

## 17 Learning Lessons

17.1 If an allegation is substantiated, the details of the case will be presented to the Scrutiny/Monitoring/Performance Sub Group of the LSCB by the Local Authority Designated Officer to consider if any lessons can be learnt and whether any change in policy or practice is required.

17.2 The Governing Body will should also review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

## 18 Disagreements

18.1 If at any stage there is a disagreement between the LADO and the school, every attempt should be made to reach a resolution but where this is not achieved the LADO and the school they will refer the matter to their respective named senior officer for further joint consideration. This should be completed in a timely manner to ensure compliance with the overall timescale for these procedures. Thereafter if resolution is still not achieved the matter should be referred to the Director of Children's Services.

### Further Reference:

Cheshire East Schools' H.R. Handbook

Behaviour Management in Schools

### Contacts

Local Safeguarding Children Board

01625 374753

01625 374965

[LSCB@cheshireeast.gov.uk](mailto:LSCB@cheshireeast.gov.uk)

This policy will be reviewed annually in the Spring term.

**SEE FORMS IN SCHOOL TO USE WHEN AN ALLEGATION IS MADE, THESE ARE KEPT IN THE HEADTEACHER'S OFFICE IN THE SAFEGAURDING CHILDRENS FILE.**

**This policy was agreed at a meeting of the full Governing Body on .....**

**Signed ..... Chair of Governors**

**Signed ..... Head Teacher**