

MANAGING ALLEGATIONS AGAINST EMPLOYEES

(CHILDREN AND YOUNG PEOPLE)

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiation Framework

Approved at Governance Committee: 28 July 2009

Update: (Review) 15 Oct 2014 Policy and Procedure Group: Reviewing Authors: Simon Stubbs (LADO); Lorraine Lord (Senior Advisor, Solihull Education Improvement Service)

CONTENTS

1	Introduction	3
2	Policy	3
3	Purpose	4
4	Principles	4
5	Context	4
6	Responsibilities	5
7	Procedure for Managing Allegations	7
8	Initial Action	7
9	Suspension	8
10	Position Of Trust Meeting	9
11	Investigating the Allegation	10
12	Action Following Initial Consideration	10
13	Keeping Records and References	11
14	Confidentiality	12
15	Action to be Taken in Respect of False Allegations	12
16	Learning Lessons	12
17	Resignation	13
18	Referral to the Disclosure and Barring Service (DBS)	13
19	Information Sharing	14
	Appendix 1 - Definitions	15
	Appendix 2 - Information Guide for Employees Facing Allegations	16
	Appendix 3 – Managing Allegations Against Employees (Children & Young People)	19

1. Introduction

This Policy is about managing allegations against employees and volunteers which might indicate that they are unsuitable to work with children and young people (CYP) in their current position, or in any capacity. A child or young person is classed as being under 18 years of age. The Policy should be used in all cases of allegations against employees and volunteers (including governors) in which it is alleged that an employee or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child; ¹
- possibly committed a criminal offence against or related to a child; or ¹
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children. ¹

This policy relates to members of staff who are employed in a position of trust regardless of whether the establishment, school or college is where the alleged abuse took place.

NB: Unless specified otherwise in this policy, the term “manager” is used generally to include line manager, supervisor, team leader, manager, senior manager, headteacher or senior member of staff.

¹ Working Together to Safeguard Children (2013)

2. Policy

The Council believes that all members of the community are entitled to receive care and protection from harm. We will not accept inappropriate behaviour towards children, employees or volunteers (including governors) and will ensure that any concerns or allegations of impropriety are dealt with quickly, fairly and sensitively.

Any staff disclosing information regarding inappropriate behaviour by colleagues will be listened to and supported.

SMBC has a responsibility for safeguarding and promoting the welfare of children and young people, and for ensuring that they are protected from harm.

We are committed to robust recruitment and selection procedures to ensure that all staff and volunteers have been appropriately screened prior to appointment, and to the provision of appropriate guidance about safe working practice, boundaries and propriety.

We ensure child protection training is available to staff and volunteers through induction programmes and within continuing training and development opportunities including:

- Code of Conduct for Employees and Governors
- Teachers’ Standards

We have a confidential reporting policy in place to enable concerns emerging about the conduct of an adult to be appropriately addressed i.e. Whistle Blowing

All staff and volunteers have a duty to ensure that children are safe and protected, and we all have a duty to ensure that, if there are any concerns relating to the welfare or

safety of a child, the Local Safeguarding Children Board (LSCB) procedures are followed. <http://solihullscb.proceduresonline.com/index.htm>.

This policy applies to all employees within JNC, NJC, Soulbury and School Teachers' Pay & Conditions of Service, and to all volunteers (including governors) engaged in Council-related business.

3. Purpose

It is essential that any allegation made against a member of staff or volunteer is dealt with fairly, quickly and consistently, in a way that provides effective protection for the CYP and, at the same time, supports the person who is the subject of the allegation. If it is decided that the allegation is not patently false and is not the subject of a criminal investigation, SMBC's Disciplinary Procedure should be followed.

4. Principles

It is essential that parents or carers of those involved in the allegation are kept informed of the progress of the case. It will not, however, be normal custom and practice to disclose details or the outcome of a disciplinary process to parents, carers or other parties. Disclosure of the information may breach the Data Protection Act, Common Law Duty of Confidentiality and the Human Rights Act. Each case should be considered on an individual basis, taking account of any risk to a child balanced against the rights and freedoms of the employee. For example, it may be appropriate to confirm that the process has been concluded but the deliberations of a disciplinary hearing and the evidence considered when arriving at a decision should not be disclosed. The alleged victim should not be asked to attend as a witness at the hearing.

5. Context

Allegations may be made in a number of ways:

- direct disclosure by young people;
- indirect disclosure, i.e. through written work or art work;
- complaints to the service/organisation manager from parents;
- complaints to Children's Services Care Trust from parents;
- complaints to Police from parents;
- reports by other colleagues or agencies.

The context in which an incident occurs is crucial to understanding the incident and the definition to be ascribed to it.

In order to differentiate between incidents which are of a child protection nature, and those which are more properly dealt with as conduct or competency issues, or to identify those allegations which are vexatious, the allegation must be considered with regard to the standards that are normally expected of the employee and the circumstances in which the alleged incident occurred.

Any physical contact with children and young people could be open to misinterpretation. Perceptions and language can present very different views of the same incident, particularly where there is, or has been, earlier disagreement or challenge between the child and the member of staff or adult concerned.

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

- a Police investigation of a possible criminal offence;
- enquiries and assessment by Children's Social Work about whether a child is in need of protection or requires Children's Social Work services;
- consideration by the Council, School or Academy of disciplinary action in respect of the individual.

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

6. Responsibilities

Head of Human Resources (named Senior Officer).

The named Senior Officer has overall strategic responsibility for ensuring that the Council operates procedures for dealing with allegations in accordance with 'Working Together 2013', and for liaising with the LSCB and other agencies, as required, and must:

- ensure organisational procedures are in place for managing allegations which are compliant with LSCB procedures and Working Together 2013;
- ensure organisational disciplinary procedures provide a framework for the management of individuals who are deemed to be unsuitable to work with children or young people, in accordance with Working Together 2013;
- ensure effective reporting and recording mechanisms are in place which allow for the tracking of allegations through to the final outcome;
- ensure whistle-blowing and complaints procedures are in place within the organization;
- ensure relevant staff attend training in managing allegations;
- provide information to the Local Authority Designated Officer (LADO) and LSCB, as required;
- pro-actively resolve any inter-agency issues;
- review the circumstances of cases (once concluded) to ensure any organisational lessons are learnt and implemented, in order that a safe environment is continually promoted.
- Assist the Line Manager/Headteacher with DBS referrals

It is the Manager's/Headteacher's responsibility to:

- report any allegation immediately to a senior manager within the organisation. The LADO should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police;
- adhere to time limits in the procedure, however, if it becomes apparent that the time limit has not been adhered to the manager/headteacher should in any event inform the LADO at the earliest opportunity;
- ensure the provision of ongoing support to the parents or carers;
- ensure the provision of ongoing support to the employee and the parents or carers;

- co-operate with any safeguarding investigation;
- consult with HR at all stages of the procedure;
- Initiate and complete referral to the Disclosure and Barring Service as required, sourcing advice from Human Resources/DBS as required.

It is the responsibility of the LADO to:*

- be involved in the management and oversight of individual cases;
- provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process;
- To provide advice and guidance in relation to all allegations made against adults and volunteers who work with children;
- liaise with and offer advice to Headteachers, Senior Managers, Governors, Police, Education & Children's Services and all other relevant agencies, and check the progress of any investigation;
- maintain records relating to allegations against staff and work in partnership with Government Office Safeguarding Advisors;
- ensure any allegations are dealt with in a timely and appropriate manner;
- decide whether child protection procedures need to be applied;
- follow the appropriate procedure for the case;
- liaise with agencies, as necessary.

* Nominated Local Authority Designated Officer (LADO): Can be contacted via Tel: 0121 788 4310, Email: cpru@solihull.gcsx.gov.uk

It is an employee's responsibility to:

- co-operate with management during the procedure;
- be available for meetings.

It is the responsibility of HR to:

- provide advice and guidance to managers and employees in order to ensure the procedure for managing allegations is followed correctly;
- support the investigation in meetings, as necessary.

It is the responsibility of recognised Trade Union Representatives, or nominated work colleagues, to:

- support and represent an employee during the procedure. The work colleague will be an employee within the Council and would normally be from the same work area.

7. Procedure for Managing Allegations

Allegations Made to a School/Local Authority

The allegation should be reported to the Headteacher/Senior Manager immediately. If the allegation is about the Headteacher, it should be reported to the Chair of Governors. If the allegation is about a Senior Manager, it should be reported to the Head of Service.

All allegations where it is alleged that an employee has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

should be discussed with the LADO for the Local Safeguarding Children Board as soon as possible after receiving the information.

Allegations Made to the Police or Children's Services

If an allegation is made to the Police, the Officer who receives it should report it to the Force Designated Liaison Officer, without delay. The Force Designated Liaison Officer should inform the LADO immediately. Similarly, if the allegation is made to Children's Services, the person who receives it should report it to the LADO without delay.

8. Initial Action

Where an allegation has been made, children and young people should not be asked to write a statement of the incident. This is a matter for the investigation agencies to undertake.

The Headteacher/Senior Manager, in consultation with the LADO, must consider the allegation and determine the appropriate way forward. It must be recognised that establishing whether or not an allegation warrants further investigation is not the same as deciding whether an allegation is well-founded. The LADO will consider the appropriateness of discussing the case with the Police or Children's Services, as part of the consultation process.

The LADO is likely to propose four possible options:

1. Where the Child or young person has suffered, is suffering, or is likely to suffer, harm, the LADO will convene a Position of Trust (POT) meeting as soon as possible and usually within 48 hours.
2. Further enquiries are required to gather more information and/or clarify certain points.
3. The allegation may have been prompted by inappropriate behaviour by an employee, but a child protection issue does not arise. In this case, there may be a need to investigate further and, in conjunction with Human Resources, decide whether action should be taken in accordance with disciplinary procedures.

The Headteacher/Senior Manager take the lead on this, following advice and guidance from Human Resources (and the LADO).

4. The allegation was false or unfounded (see section 15).

N. B. Consideration should be given to specific circumstances. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

9. Suspension

The decision to suspend the employee who is the subject of the allegation, should ideally be considered at the Position of Trust meeting. The decision to suspend the employee ultimately rests with the Headteacher/Senior Manager, in conjunction with the LADO and Human Resources.

A Risk Assessment (see Appendix 3) should be completed for each individual case in order to determine whether the employee should be suspended or not.

The assessment should take into account the context of the allegation, background information in relation to the employee, and any outcome following the POT meeting. It should also take into account whether a temporary transfer, or period of paid leave, is appropriate as an alternative to suspension. Suspension should be considered only in a case where there is cause to suspect a child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. The assessment must be recorded and a copy kept on file. If the decision is made not to suspend the employee, a copy of the risk assessment and any alternative measures should be shared with your HR Advisor.

When a member of staff is suspended they should be given the name of a workplace colleague, or recognised Trade Union Representative, Occupational Health or Employee Assistance Programme (EAP) as contacts.

If the allegation is against a volunteer, the appropriate way forward needs to be considered at the POT meeting.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school or college.

For more information on suspension, please refer to the Disciplinary Policy.

If the outcome of the enquiry suggests that it is not a child protection issue, but needs further investigation, the Disciplinary Procedure should be used. Follow this link to the Disciplinary Procedure (Non-Schools)

<http://intranet/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=227>

or

Schools Disciplinary Procedure (**NB.** only employees with access to the extranet will be able to view this document)

[https://extranet.solgrid.org.uk/management/staffing/smbcschoolshr/HRDocuments/SMBCHRSDisciplinaryProcedure\(Schools\)V18.doc](https://extranet.solgrid.org.uk/management/staffing/smbcschoolshr/HRDocuments/SMBCHRSDisciplinaryProcedure(Schools)V18.doc)

10. Position of Trust (POT) Meeting

The POT meeting will be conducted in accordance with LSCB procedures.

The purpose of the meeting is to:

- Consider the risk to the child/ young person/ other children and young people.
- Gather information.
- Determine the need for investigation and by whom.
- Establish a clear action plan with timescales.
- Ensure employees, pupils and/or young people receive appropriate support.
- Consider the need to inform relevant parties.
- Jointly consider how to manage any media interest.
- Discuss possible suspension/temporary redeployment.
- Consider the need for a Communication Strategy

Attendance at a POT Meeting:

The meeting is convened and chaired by the LADO. Attendance will be determined by LSCB procedures, but will usually include representatives from Education & Children's Services, the Police and HR along with the appropriate Manager for the subject of the allegation. **The employee who is the subject of the allegation will not be invited to attend the meeting;** however, the POT meeting will agree when and how the employee will be informed.

Communication Following the POT Meeting:

The Minutes of the POT meeting will be circulated by the Chair of the meeting to relevant parties.

The following should be informed of the outcome of the investigation:

- The child/children making the allegation and their parent/carer of the likely course of action (also informing them that the matter is confidential and must not be discussed). It will not, however, be normal custom and practice to disclose details or the outcome of a disciplinary process to parents, carers or other parties. Disclosure of the information may breach the Data Protection Act, Common Law Duty of Confidentiality and the Human Rights Act. Each case should be considered on an individual basis, taking account of any risk to a child balanced against the rights and freedoms of the employee. For

example, it may be appropriate to confirm that the process has been concluded but the deliberations of a disciplinary hearing and the evidence considered when arriving at a decision should not be disclosed. The alleged victim should not be asked to attend as a witness at the hearing.

- The POT will discuss how and by whom the member of staff against whom the allegation has been made is advised of the allegation and that a POT has taken place. This should include the likely course of action. A record should be kept on the individual's personal file.
- The Chair of Governors (Schools only) should be informed of the likely course of action.

11. Investigating the Allegation

The POT meeting will determine the nature of the investigation. There are mainly three ways forward, and more than one may be applicable at any one time:

- There are child protection issues involved and there needs to be an investigation under Section 47 of the Children Act.
- There is a Police investigation regarding a possible criminal act.
- There is a need for a disciplinary investigation. In this case, the child protection investigation should take precedence.

N.B. Any disciplinary investigation should not start without the consent of the Police and Children's Social Work Services. A disciplinary investigation should not commence until the outcome of any child protection or Police investigation is known, unless there are exceptional circumstances. The disciplinary investigation should follow the Disciplinary Procedure.

See 9 above for links.

12. Action Following Initial Consideration

If it is decided that the allegation does not involve a potential criminal investigation, the Manager/Headteacher, in conjunction with the LADO, needs to decide how to deal with it, as there may be elements of an allegation which clearly suggest a breach of standards of behaviour or propriety, or which pose a risk to the welfare of CYP, even where no criminal activity is identified. This could include convening or reconvening a POT discussion.

Consideration should be given to:

- the context in which the allegation occurred and whether this provides further insight which may mitigate risk;
- the type of activity the individual is expected to undertake;
- the level of access to children this provides;
- the indicative risks presented by the nature of the allegation;
- any mechanisms that may exist to reduce or manage the risk.

The internal investigation may determine that disciplinary action is not necessary and may exonerate the individual concerned. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned.

Children and young people should not be asked to write a statement of the incident. This is a matter for the investigation agencies to undertake.

If it is felt that the allegation does not require formal disciplinary action, the Informal Resolution section of the Disciplinary Procedure should be followed within 3 working days of the completion of the initial discussions. HR should be contacted for advice and guidance. If it is decided that a formal disciplinary investigation is required, the Formal Stage of the Disciplinary Procedure should be followed.

<http://intranet/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=227>

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

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

13. Keeping Records and References

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned²

² *Keeping Children Safe in Education (DfE April 2014) Page 35, paragraphs 126, 127, 128*

The purpose of the record is to enable accurate information to be given in response to any future reference request, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its

Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention³.

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

³Information Commissioners Office – Guidance on employment records in its Employment Practices Code and supplementary guidance

14. Confidentiality

Confidentiality should be maintained when an allegation is made. However, there may be a need to share information with relevant agencies, for example, at a POT meeting. This would be on a 'need-to-know' basis. If you have any doubts, please consult your Manager. Any enquiries from the press should be directed to the Press Office <http://solnet/wwwcegeneral/docs/media.pdf> unless it is a Freedom of Information or Data Protection request, in which case the Council's Corporate Information Governance Manager should be contacted.

15. Action to be Taken in Respect of False Allegations

If an allegation made by a child/ young person is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation is in need of services, or may have been abused by someone else.

However, if an allegation is made by an employee or volunteer and found to be false and/or malicious, an investigation should take place in accordance with Disciplinary Procedure.

The Police may also consider taking action against the individual making the allegation. In the case of a school pupil deliberately inventing or making a malicious allegation, the Headteacher should consider taking action in accordance with the school's Management of Behaviour Policy and record on the pupil file, as appropriate.

If it is clear to the Senior Manager/Headteacher and the LADO that the allegation is demonstrably false or unfounded, the employee should be informed verbally, and in writing, of the allegation, that it is without foundation and that no further action will be taken (please refer to Section 13 – Keeping Records and References). Where appropriate, and if requested, support should be offered, which could include Occupational Health and Counselling services.

16. Learning Lessons

At the conclusion of a case in which an allegation *is* substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school or college's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should

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

17. Resignation

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS *must* be made, if the criteria are met.** See 18 below.

Where a person has resigned during the disciplinary process, and served a notice period, the investigation and any subsequent hearing should continue (if appropriate and on advice from HR in their absence – page 6 of the Disciplinary Policy provides guidance on this).

Where they resign with immediate effect the matter must conclude in their absence with investigation meetings and hearings proceeding in line with the Disciplinary Policy.

The fact that an employee or volunteer resigns, or ceases to provide their services, must not prevent an allegation being followed up in accordance with this procedure or the Council's Disciplinary Procedure, or the Council's Disciplinary Procedure (Schools). It is important that every effort is made to reach a conclusion in all cases of allegations that have a bearing on the safety or welfare of CYP.

18 Referral to the Disclosure and Barring Service

If the 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 his or her services, the LADO should discuss with the case manager and their HR adviser whether the school or college will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required;⁴⁸ and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement.

A settlement/compromise agreement which prevents a DBS referral being made when the criteria are met would likely result in a criminal offence being committed.

The DBS will consider whether to bar the person from working with children and young people. Referrals should be made as soon as possible after the resignation or removal of the individual.

19. Information Sharing

In a POT meeting, or initial evaluation of the case, the agencies concerned must share all relevant information they have about the person who is the subject of an allegation and about the alleged victim. Managers attending the POT meeting should come prepared with appropriate information, e.g. full name and address, when the CRB check was completed, employment start date, involvement in youth activities, children of their own and any other information that could be helpful.

In accordance with LSCB procedures, the Police, from the outset, should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Council for disciplinary purposes. This should be done as their investigation proceeds, rather than after it has concluded. This will enable the Police to share relevant information, without delay, at the conclusion of their investigation or any Court case (and act as witness).

Children's Social Work Services should adopt a similar procedure when making enquiries to determine whether the child named in the allegation is in need of protection or services, so that any information obtained in the course of those enquiries, which is relevant to a disciplinary case, can be passed to the Council without delay.

Further information on information sharing is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277834/information_sharing_guidance_for_practitioners_and_managers.pdf

Definitions

Significant Harm

This is the threshold whereby compulsory Social Work intervention must take place. This was introduced by the Children's Act 1989 and is defined by the Law Commission as: "Harm as a concept should be taken to include not only ill-treatment (including sexual abuse and forms of ill-treatment that are not physical), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development"

Abuse

Abuse can consist of physical, sexual, neglect and emotional. The definitions of abuse are as follows:

1. *Physical Abuse* - includes hitting, slapping, pushing, kicking, mis-use of medication, restraint or inappropriate sanctions.
2. *Sexual Abuse* - includes rape, sexual activities to which a child has not/could not consent or was pressurised into consenting. Sexual activities could include physical contact or non-physical contact. Non-physical contact could be encouraging children / young people to watch sexual activities, or behave in a sexually inappropriate way.
3. *Neglect* - is the persistent failure to meet the basic physical or psychological needs of a child / young person and likely to result in the serious impairment of the child / young person's health or development. It includes a failure to provide access to appropriate health, social care or educational services, or withholding the necessities of life such as medication, adequate nutrition, clothing, shelter and heating.
4. *Emotional Abuse* - is the persistent, emotional maltreatment of a child / young person. This could have a severe and adverse effect on a child's / young person's development. This may involve conveying to the child / young person that they are worthless, or unloved, inadequate or valued only in so far as they meet the needs of another person. It also includes humiliation, blaming, controlling, intimidation, isolation or withdrawal from services or supportive networks.

Some level of emotional abuse is involved in all types of maltreatment of a child / young person, although it may occur alone.

Positions of Trust

Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

Information Guide for Employees Facing Allegations

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- harmed a child, or put a child at risk of harm;
- committed a criminal act toward a child;
- behaved in a way that raises concern about your suitability to work with children.
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

Initial Action

When the allegation is made, your Manager, or the designated person within your organization, should consult the LADO to consider the next action, taking advice from Children's Social Work and Police, as needed. The Police may advise that you are not told about the allegation immediately.

Your Manager's decision, in consultation with the LADO, will be one, or a combination of, the following:

- a) the child / young person is alleged to have suffered, or is likely to suffer, significant harm, which requires immediate referral to Children's Social Work;
- b) a criminal offence is alleged which requires referral to Children's Social Work and the Police;
- c) the allegation represents poor or inappropriate behaviour, which should be considered under Disciplinary and/or Capability Procedures, including referral, if appropriate, to the to the National College for Teaching and Leadership (NCTL), Health and Care Professions Council (HCPC) , or appropriate medical college;
- d) the allegation is clearly and demonstrably without foundation, and no further action will be taken.

If the conclusion of the initial discussions are a) or b), a POT Discussion should take place involving the Police, Children's Social Work, your Manager, the LADO and, where possible, an HR representative from the organisation. You will not be invited to attend the discussion. The discussion will focus on the needs of the child/ren who may be at risk and will determine what action should be taken regarding further investigation.

If the initial discussions conclude the situation is as outlined in c) above, an investigation will be initiated under the organisation's Disciplinary and/or Capability Procedures.

If the conclusion is as outlined in d) above, you should be advised, both verbally and in writing, that the allegation is without foundation and that no further action will be taken.

Types of Possible Investigation

- Child protection enquiries by Children's Social Work.

- Criminal investigation by the Police.
- Disciplinary/capability investigation.

A disciplinary investigation is usually held in abeyance until external agency investigations are completed, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

Suspension

Your Manager should consult with the LADO and Human Resources, and consider recommendations from the POT meeting, if appropriate, before any decision to suspend is taken.

Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the POT Discussion, and should only occur when the known facts relating to the allegation indicate:

- a child or young person may be at risk;
- the allegations are so serious that dismissal for gross misconduct is possible;
- suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Alternatives should always be considered, e.g. leave of absence, transfer of duties or additional supervision.

Where suspension is being considered, an interview will normally be arranged. You have the right to be accompanied by a Trade Union Representative, or a workplace colleague; you are advised to seek the assistance of your Union Representative. If you are suspended, one of his/her roles will be to promote your interests and raise issues that may be of concern to you.

The interview is not an examination of the evidence, but an opportunity for you to make representations concerning possible suspension.

People, including other staff, should only be told about the allegation on a 'need-to-know' basis. Notification may be delayed if the Police think this could prejudice an investigation.

Those who will be told of the allegation and likely course of action include yourself, the child or young person concerned, his/her parent/carer, the person making the allegation, your Manager(s), Human Resources, the LADO and the investigating agencies.

If you are suspended, those persons likely to be on a Disciplinary Panel, if convened, will be given limited information, in order that any future disciplinary process is not prejudiced. If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

Support

You should expect to be:

- advised to contact your Union Representative;
- given a support contact within the organization, who should keep you up-to-date with the progress of your case;
- given a team contact, if you are suspended, who will update you about normal organisational activities. Social contact with colleagues should not be precluded, unless detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on, or discuss, the investigation with you;
- offered a Staff Counselling Service and/or Occupational Health support, if available.
- offer EAP and/or Occupational Health support, if available.

This may be a stressful time so, in addition to contacting your Union Representative, you are advised to see your GP if you think your health may be affected.

Return to Work

If you have been suspended and it is decided you should return to work, your Union Representative can assist in the planning of this return.

Managing Allegations Against Employees (Children and Young People)

Risk Assessment for Suspension

Suspension should only be considered if one or more of the following apply:

- A child, or children, is/are at risk of significant harm.
- The allegation warrants investigation by the Police.
- The allegation is so serious that dismissal/gross misconduct is a possibility.

The following factors need to be considered:

Alternatives to Suspension	Impact of Transfer
- Assess other options, including a temporary transfer.	
Nature of the Alleged Incident	Consideration
- Duration and frequency of allegation. - Degree of threat or coercion. - Extent of pre-meditation. - Degree and nature of alleged harm.	
Investigation	
- Possibility of the investigation being impeded should the employee remain at work.	
Information re: Employee/Volunteer Who is Accused of the Allegation of Abuse	
- Previous concerns. - Previous allegations. - Contact with child/young person.	
Information re: Child/Young Person	
- Age and level of understanding. - Special needs and vulnerability. - Impact on health and development. - Previous allegations.	
Information re: Parent/Carer	
- Attitude to allegation. - Expectations. - Previous allegations.	
Health & Safety	
- Potential risks to the employee's health and safety should the employee remain at work.	

Risk identified and action plan:

Decision to suspend: YES/NO

Date of decision:

Name of Manager/Headteacher responsible for decision: