

# The Minster School York



## Managing Allegations against Staff and Volunteers

### Policy, Procedures and Practice Guidance

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## Policy statement

### Policy

Allegations and complaints against staff can be minimised by having:

- Safer Recruitment strategies in place
- Appropriate induction and training
- Open and transparent safeguarding ethos
- Professional code of conduct
- Regular briefing and discussion of safeguarding issues
- Ensuring that children are aware of safeguarding issues through the curriculum, e.g. PSHE

The Minster School aims to provide a safe environment for children to learn and grow. Chapter of York Minster (as the governing body), and the school committee, take all safeguarding allegations and concerns extremely seriously, and will respond robustly, in accordance with national, local and organisational legislation, policy and procedures, as appropriate to the circumstances.

It is important that everyone is able to raise concerns about what seems to be poor or unsafe practice by colleagues. That these concerns and concerns expressed by children, parents and others are listened to and taken seriously and that, where appropriate, action is taken in accordance with the procedures for dealing with allegations against staff.

It is essential that any allegation against a teacher or other member of staff, or volunteer is dealt with quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is subject to the allegation.

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation (by the appropriate bodies). All allegations must be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation

The procedure (below) for dealing with allegations against professionals (staff and volunteers who work with children) should be followed, which will involve a report to, and investigation of the allegation by, the Local Authority Designated Officer (LADO).

## Useful Contacts

<b>School contacts</b>		
<b>Role</b>	<b>Name</b>	<b>Contact</b>
Designated Safeguarding Lead, and, Senior Manager (within LADO process)	Angela Mitchell (Head Teacher)	Tel: 01904 557 230 Email: <a href="mailto:angelam@yorkminster.org">angelam@yorkminster.org</a>
Deputy Designated Safeguarding Leads; and, Deputy Senior Manager (within LADO process)	Suzanne Hearld	Tel: 01904 557 230 Email: <a href="mailto:sophies@yorkminster.org">sophies@yorkminster.org</a> Email: <a href="mailto:suzanneh@yorkminster.org">suzanneh@yorkminster.org</a>
<b>Governor contacts</b>		
Chair of Governors	The Rt Revd Dr Jonathan Frost (Dean of York)	Tel: 01904 557202 Email: <a href="mailto:dean@yorkminster.org">dean@yorkminster.org</a>
Chair of the Minster School Board; and, Named Senior Officer (within the LADO process)	John Hattam	Tel: 01904 557202 Email: <a href="mailto:johnh@yorkminster.org">johnh@yorkminster.org</a>
Designated Governor for Safeguarding	TBC	
Chapter Lead for Safeguarding	The Revd Canon Michael Smith (Canon Pastor & School Pastor)	Tel: 01904 557202 Email: <a href="mailto:michaels@yorkminster.org">michaels@yorkminster.org</a>
<b>York Minster contacts</b>		
Chapter Safeguarding Adviser	Dee Cooley	Tel: 01904 559542 Email: <a href="mailto:deec@yorkminster.org">deec@yorkminster.org</a>
Head of Security	Mark Sutcliffe	Tel: 01904 557243 Email: <a href="mailto:marksutcliffe@yorkminster.org">marksutcliffe@yorkminster.org</a>
<b>Local Authority contacts</b>		
City of York Council Children's Front Door	Referrals and advice on safeguarding	Tel: 01904 551900 Email: <a href="mailto:childrensfrontdoor@york.gov.uk">childrensfrontdoor@york.gov.uk</a>
CYC School Safeguarding Advisor	Caroline Wood	Tel: 01904 555694 Email: <a href="mailto:caroline.wood@york.gov.uk">caroline.wood@york.gov.uk</a>
CYC School Attendance Advisor	Mark Smith	Tel: 01904 555187 Email: <a href="mailto:mark.smith@york.gov.uk">mark.smith@york.gov.uk</a> Email: <a href="mailto:cme@york.gov.uk">cme@york.gov.uk</a>

Headteacher Virtual School for Looked After Children	Karron Young	Tel: 01904 553040 Email: <a href="mailto:karron.young@york.gov.uk">karron.young@york.gov.uk</a>
CYC Local Authority Designated Officer		Tel: 01904 551783 Email: <a href="mailto:lado@york.gov.uk">lado@york.gov.uk</a>

## Legal and policy framework

### Guidance and legislation

- [\*Keeping Children Safe in Education \(2019\)\*](#) Dept. for Education (due to be updated 2.9.19)
- [\*Guidance for safer working practice for those working with children and young people in education settings \(2019\)\*](#), Safer Recruitment Consortium (from which this guidance and code of practice is derived)
- [\*Teachers' Standards Guidance for school leaders, school staff and governing bodies \(2011, updated 2013\)\*](#), Dept. for Education
- [\*Working Together to Safeguard Children \(2018\)\*](#), HM Government
- [\*The Childcare \(General Childcare Register\) Regulations \(2008\)\*](#), HM Government
- [\*Statutory Framework for the Early Years Foundation Stage \(2017\)\*](#), HM Government
- [\*Early Years Foundation Stage \(Welfare Requirements\) Regulations \(2012\)\*](#), HM Government

### Local guidance and procedures

#### ***City of York Council Local Authority Designated Officer (LADO) and allegations against childcare professionals and volunteers:***

- General information and links (accessed 17.9.19): <https://www.saferchildrenyork.org.uk/allegations-against-childcare-professionals-and-volunteers.htm>, including:
  - LADO Referral Form
  - Managing Allegations Against Staff Procedure and Practice Guidance
  - Procedure for Review of LADO Outcome Determinations

### Related Minster School policies, procedures and guidance

- [\*The Minster School child protection and safeguarding policy and procedure \(2019\)\*](#), Chapter of York Minster
- The Minster School safer working practice guidance (2019)
- The Minster School code of practice for all adults and staff (2019)
- The Minster School and York Minster HR policies and procedures

#### **If you have concerns about a colleague**

Staff who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount. All concerns of poor practice or concerns about a child's welfare brought about by the behaviour of colleagues should be reported.

You must always report to the appropriate person (see the procedure below) concerns or allegations which suggest that a person has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child, or

- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children



## Scope and roles

### Scope

These procedures should be followed when there is an allegation or concern relating to the behaviour of any adult working with or volunteering with children at Minster School. This includes, but is not confined to, teaching and non-teaching staff, volunteers, school governors and trustees, York Minster staff working within/on behalf of Minster School, students on placement. These procedures should also be applied to contractors on school property.

The scope of these procedures is not just for those cases relating to significant harm and must be applied in all circumstances where the question of a person's suitability to work with children arises, and/or where an allegation is made or a concern arises that any person who works or has worked with children, in a paid or unpaid capacity, has, towards any child:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children

Allegations may arise in a number of ways from a number of sources e.g. a concern, suspicion, complaint or report from a child, parent or other adult within or outside of the organisation; information arising from a disciplinary, criminal or s47 child protection investigation.

If the concern is not connected to the person's employment or work activity, these procedures may also apply:

- Where concerns arise about the person's behaviour towards his/her own children or any other child (outside of the work environment), the police and/or Children's Social Care (CSC) should consider if they need to inform the person's employer and/or the Local Authority Designated Officer (LADO) in order to assess whether there may be implications for children with whom the person has contact at work;
- If an allegation relating to a child is made about a person who also undertakes paid or unpaid care of vulnerable adults, City of York Safeguarding Adults' procedures should be followed: <https://www.safeguardingadultsyork.org.uk/what-is-safeguarding/how-to-raise-a-safeguarding-concern/>

Where an allegation is received against someone from another organisation this should be reported to the LADO, usually by the Head Teacher.

### Roles

#### **Named Senior Officer (Chair of the Minster School Board)**

- Each of the City of York Safeguarding Children Partnership member organisations should identify a Named Senior Officer with overall responsibility for:
  - Ensuring that their organisation deals with allegations in accordance with these procedures

- Resolving any inter-agency issues
- Liaising with the CYSCB on the subject.

### **Senior Manager (the Head Teacher or Deputy DSL)**

- All employers should have a designated Senior Manager in their organisations to whom allegations or concerns should be reported, who should follow these procedures.
- Employers should also designate another person to fulfil this role in the absence of the designated senior manager or where that person is the subject of the allegation.
- All staff and volunteers should be made aware of who these persons are and of the organisation's internal procedures.

### **Local Authority Designated Officer (LADO)**

- The Local Authority has designated officers (**LADOs**) to:
  - Be involved in the management and oversight of individual cases
  - Provide advice and guidance to employers and voluntary organisations
  - Liaise with the police and other agencies
  - Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

## Procedure

Any person with a concern, or who receives relevant (to this policy and procedure) information regarding a person within the Minster School, should report this to the Head Teacher without delay:

- If a child makes a complaint about a member of staff or volunteer, the Head Teacher/ must be informed immediately.
- Any member of staff who has reason to suspect that a pupil may have been abused by another member of staff or volunteer, either at school or elsewhere, must immediately inform the Head Teacher.
- Any member of staff or volunteer who has concerns about a person's suitability to work with children should speak with the Head Teacher.

If the allegation is against the Head Teacher the allegations should be reported the Chair of Governors (without informing the Head Teacher), or if s/he cannot be contacted within a suitable timescale, directly to the Local Authority Designated Officer (LADO).

If any person to whom the allegation should normally be reported may be implicated in the allegation, or there is concern that they may not/have not followed correct procedure, the matter should be referred directly to the Local Authority Designated Officer (LADO)

### **Initial actions following an allegation**

- The person who has received an allegation, or witnessed an event will immediately inform the Head Teacher
- They must also make a record which will include time, date, place of incident, persons present, what was witnessed, what was said etc. on the School Concerns Form, this should be signed and dated .
- The Head Teacher where appropriate will take steps to secure the immediate safety of children and urgent medical needs.
- The member of staff/volunteer (subject of the allegation) will not be approached at this stage unless it is necessary to address the immediate safety of children.
- The Head Teacher may need to clarify any information regarding the allegation; no person will be interviewed at this stage.
- No attempt should be made to undertake enquiries or seek to determine the validity of the allegation at this stage. However, immediate safety measures may need to be applied, e.g. removal of the member of staff from the premises, and any evidence should be secured and preserved e.g. mobile telephone, computer – subject to advice from the police or the LA.

### **Some allegations will be so serious as to require immediate intervention by Children's Social Care (CSC) and/or police.**

- The Head Teacher or Chair of Governors (referring person) should immediately discuss the allegation with the Local Authority Designated Officer (LADO). This should take place within one working day. The discussion will consider the nature, content and context of the allegation and agree a course of action.
- The Head Teacher will inform the Chair of Governors of any allegation.
- Consideration will be given throughout to the support and information needs of pupils, parents and staff.
- If consideration needs to be given to the individual's employment, advice will be sought from York Minster People/HR team.

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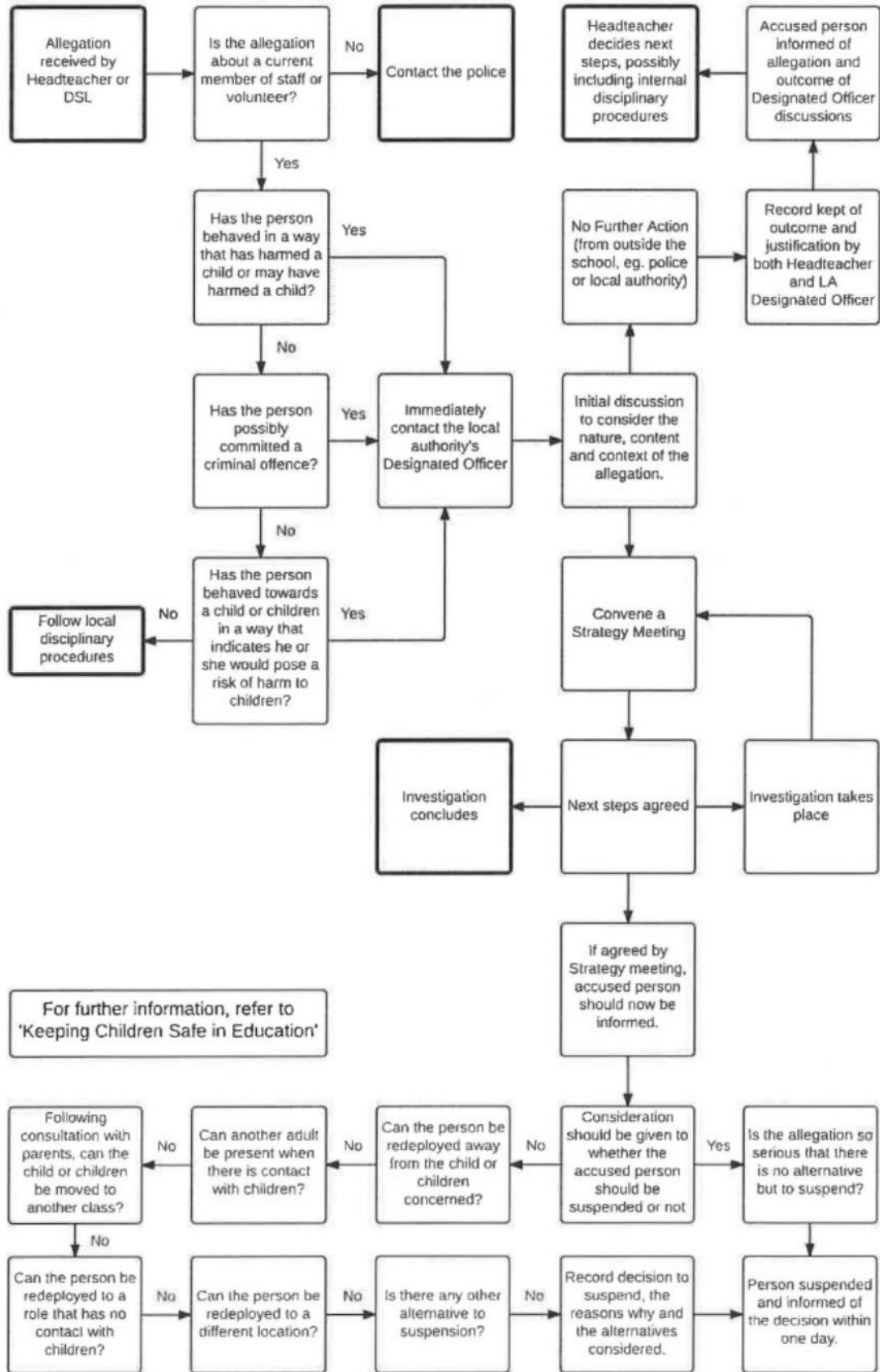
Dee Cooley, Chapter Safeguarding Adviser, York Minster

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Taken from: Safeguarding Handbook for Schools

**Flowchart for the initial management of allegations about staff or volunteers**



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## Referring to the Local Authority Designated Officer (LADO)

### Prior to contacting the LADO

- The Head Teacher/DSL (referring person) should gather information including:
  - names, addresses, D.o.Bs of the child/ren and staff member concerned
  - details of any potential witnesses;
  - details of the staff member's previous employment record including any previous allegations/concerns;
  - account of the person receiving or witnessing the allegation;
  - information regarding any other paid or voluntary work the staff member undertakes with children or vulnerable adults;
  - if the staff member has their own children, any other information which may be of relevance;
  - any action(s) already taken;
  - information about the legal status of the child concerned
- Where appropriate, (e.g. child in foster care, residential home or school or placed in a school by another authority) the Head Teacher/DSL should also collate information regarding: the local authority responsible for the child; length of time in placement; contact details of relevant staff/foster carers; and details of other children in the placement.
- If an allegation needs to be reported to the LADO, parental consent is **not** a prerequisite. Immediate safeguarding of the child is our primary concern and duty.
- If a child has suffered, or is likely to suffer, serious or criminal harm, the Police should also be informed.

### **The City of York Local Authority Designated officer (LADO)**

The referral form, contact numbers and procedural advice may all be found at:

<https://www.saferchildrenyork.org.uk/allegations-against-childcare-professionals-and-volunteers.htm>

**If you want advice**, contact the LADO service on **01904 551783**

**If you have secure email**, completed LADO referral forms should be emailed to: [lado@york.gov.uk](mailto:lado@york.gov.uk)

**If you do not have secure email, or internet access**, contact the LADO service on **01904 551783**

### LADO referral outcomes

1. **No further action** (in respect of the allegation): the LADO and the Head Teacher (or referring person) will agree follow-up actions in respect of:
  - a. what information should be put in writing to the individual concerned
  - b. any action in respect of those who made the initial allegation
  - c. what information should be shared with the child and their parents/carers and by whom.
  - d. Where the allegation does not require a formal process, appropriate action should be initiated **within three working days**
2. **Disciplinary/internal action**: where police and CSC are not investigating, the LADO and the Head Teacher (or referring person) will agree:

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- a. if any further disciplinary / internal investigation is needed and who who will undertake this - in some circumstances appropriate resources may not be available, or the nature and complexity of the allegation might require the employer to commission an independent investigation to ensure objectivity
  - b. the timeframe - the investigating officer should aim to provide a report to the employer within 10 working days. On receipt of the report, the employer should decide whether a disciplinary hearing is needed within two working days, and if a hearing is needed it should be held within 15 working days
  - c. The outcome of any process must be reported to the LADO, who should consider with the Head Teacher (referring person) what information should be shared with the child and their parents/carers and by whom
3. **Strategy meeting:** If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately ask CSC for a strategy meeting to be convened.
  4. **Evaluation meeting:** Following the strategy meeting or in cases where a formal strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached, but a police investigation might be needed, the LADO should nevertheless conduct a similar discussion with the police, the employer, and any other relevant agencies to evaluate the allegation and decide how it should be dealt with

### Suspension

- The school would *consider* suspension **without prejudice** of a member of staff during any child protection investigation of which they were the subject. However, there is no automatic requirement for such a suspension. Each case will be considered on its individual merits and a decision arrived at by the SMO, usually taking into consideration advice from The Local Authority Designated Officer (LADO).
- The LADO, the DfE, NCTL and the DBS would be informed without delay of any staff member or adult who resigned or was dismissed in circumstances which may render them unsuitable to work with children or young people in accordance with *The Childcare Act (2006)* and *Childcare (Disqualification) Regulations (2009)*

### Actions following a strategy/evaluation meeting

- Where the strategy or evaluation meeting decides that an investigation by the police or CSC is unnecessary, the LADO should discuss the next steps with the Head Teacher (referring person).
- If a criminal investigation is required, the police will aim to complete enquiries as quickly as possible, consistent with a fair and thorough investigation, keep the progress of the case under review. A target date for reviewing progress of the investigation etc. should be set at, and should take place no later than **four weeks** after the strategy or evaluation meeting.
- Dates for subsequent reviews, ideally at **fortnightly** intervals, should be set.
- The Head Teacher (referring person) should continue to review the case and inform the LADO of any significant developments. The LADO will also regularly review the progress of the case.

**Actions following a police investigation, a prosecution or CSC assessment**

- The police or the CPS should liaise directly with the LADO the alleged victim and their parents/ carers, as appropriate, concerning case decisions and court appearances and when the criminal investigation is completed; and, outcomes.
- If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to a disciplinary case to the Head Teacher (referring person) without delay
- If CSC have undertaken an assessment they should seek permission to share the information they have which may be relevant to a disciplinary case.
- The Head teacher (referring person) should agree with the LADO to proceed as in 'No further action' or 'Disciplinary/Internal investigation' as above. The information provided by the police and/or CSC should inform that decision.
- Action by the Head Teacher (referring person), including dismissal, is not ruled out, depending on the circumstances of the case and taking account of the result of the police investigation or the trial, and different standard of proof required in disciplinary and criminal proceedings.



## Concluding a case

### Actions on the conclusion of a case

- Where investigations are concluded, the LADO may convene a review discussion/meeting to share relevant information, categorise the allegation and agree any further action to be taken.
- Where an internal/disciplinary process is concluded, the LADO should be informed of the outcome and should reach agreement as to the category of the allegation.
- **Allegation Categories**
  - **Substantiated:** there is sufficient identifiable evidence to prove the allegation
  - **False:** there is sufficient evidence to disprove the allegation
  - **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false
  - **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the allegation or was mistaken about what they saw. Alternatively they may not have been aware of the circumstances
  - **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Employment file and DBS referral**
  - For all allegations a clear and comprehensive summary of the allegation, details of how it was followed up and resolved, a note of actions and decisions reached should be kept on the confidential personnel file of the individual concerned and a copy provided to the individual.
  - If the allegation is **substantiated** and the school dismisses or ceases to use the person's services, or the person resigns/ceases to provide services, the LADO should advise the school re: the statutory duty to make a referral to the Disclosure and Barring Service (DBS). The school should also consider if a referral to any Professional Regulatory Body is required.

### Actions in respect of unfounded or malicious allegations

- For those cases where it is immediately clear that the allegation is unfounded or malicious then it is expected that they should be resolved within one week.
- If an allegation is determined to be unfounded or malicious, the LADO should discuss the matter with CSC to determine whether the child concerned is in need of services, or may have been abused by someone else.

### Learning Lessons

At the conclusion of a case the school and the LADO should consider whether there are any improvements to be made or lessons to be learned. This should include, where appropriate, consideration of the school's procedures, processes or practice to help prevent similar events in the future; and, issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.

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Dee Cooley, Chapter Safeguarding Adviser, York Minster

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