



Nourishing the fitrah of each unique child

Allegation Against Staff Policy

Umar ibn al-Khattab, may Allah be pleased with him, said:

“Hold yourselves accountable before you are held accountable and evaluate yourselves before you are evaluated, for the Reckoning will be easier upon you tomorrow if you hold yourselves accountable today.”

(Muḥāsabat al-Nafs 2)

Updated: January 2024	Review date: January 2025	Allegations Against Staff Coordinator: Hawwa Mbombo Trustee: Beverley Thorpe Raghdoo
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Review date: January 2025

Allegations of Abuse Against Staff

Unique Academy is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our school are dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation.

This policy is designed to ensure that all staff, pupils and parents or guardians are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible.

Allegations must be reported to the Headteacher immediately or to the Hounslow LADO if the Headteacher is the subject of a safeguarding allegation. All allegations will be taken seriously and investigated immediately.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school has:

- behaved in a way that has harmed a child or may have harmed a child (our **safeguarding and child protection policy** outlines what it means to harm 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.

Timescale

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All allegations made against staff should be reported immediately to the Headteacher. Complaints about the Headteacher should be reported directly to the LADO.

Staff who are concerned about the conduct of a colleague towards a pupil 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 and must report their concerns immediately.

The Headteacher will contact the designated officer at the local authority and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

Unique Academy will share available information with the designated officer about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and police.

New referrals / all new enquiries to the LADO should be made through the Safeguarding Advice and Allegations Management (SAAM) duty system:

Call: 0208 583 5730

Email: lado@hounslow.gov.uk

For all LADO referrals please complete this form and email to lado@hounslow.gov.uk

Hounslow has 2 designated Local Authority Designated Officers:

Grace Murphy

Tel: 0208 583 4933

Email: grace.murphy@hounslow.gov.uk

Working days: Wednesday- Friday (9:00am-5:00pm)

Sarah Paltenghi

Tel: 0208 583 3423/ 07970198380

Email: sarah.paltenghi@hounslow.gov.uk

Working days: Monday- Wednesday (9:00am-5:00pm)

Investigation

An investigation into the allegation is normally carried out by children’s social services or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation, it will cooperate with investigative agencies.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

The following definitions will be used when determining the outcome of the investigation:

- **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 prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Supporting Those Involved

The person(s) who makes the allegation and their parents/guardians

Parents and guardians will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. Parents and guardians will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome in confidence.

Social services and the police may be involved and will provide the school with advice on what type of additional support the child may need.

Procedure:

- An initial meeting will take place between the Headteacher (or nominated safeguarding trustee if the allegation is against the Headteacher), will take place with parents of the child once the allegation has been made
- An investigation will take place, utilising key witnesses
- A report will be shared with parents

Unique Academy's **whistleblowing policy** enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee

Unique Academy has a duty of care to its employees and will take steps to minimise the stress of any allegation and the investigation process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the designated officer. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The Headteacher (or proprietor, if the allegation is against the Headteacher) will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and the school will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

Confidentiality

Unique Academy will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and guardians as well as the media.

A breach of confidentiality will be taken seriously and may warrant its own investigation and disciplinary action, as appropriate.

Suspensions

Unique Academy will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. The school will seek advice from the LADO and it may be the case that the member of staff under investigation is advised to be suspended whilst the investigation is underway. It may also be possible that alternative arrangements are made so that the individual can continue working.

The chair of trustees holds the power to suspend an employee but will listen to the views of the LADO, police and or social care regarding suspension.

In the case of suspension, the employee will receive a verbal and written confirmation as soon as possible and will be informed of the reason for the suspension.

Resignations

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

Record Keeping

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the school, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

Action On Conclusion Of The Case

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, Unique Academy will consider whether a referral must be made to the Disclosure and Barring Service (DBS).

If it is decided that the employee may return to school after a suspension, then provisions will be put in place by Unique Academy to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

Action In The Case Of False Or Malicious Allegations

Where an allegation is proved to be false, the Headteacher may refer to social services to determine whether the child needs support or has been abused by someone else.

Unique Academy may take disciplinary action against any pupil(s) who are found to have made malicious allegations against staff. The headteacher may consult the chair of trustees when considering what action to take.

If the claim has been made by a person who is not a pupil, Unique Academy may pass the information to the police who may take further action against that person.

After The Case

No matter what the outcome is of an allegation of abuse against staff, Unique Academy will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

Useful Links

- [London Child Protection Procedures](#)
- [Keeping Children Safe in Education](#)
- [Working together to Safeguard Children 2018](#)
- [Guidance for safer working practice for those working with children and young people in education settings – October 2015](#)
- [Disqualification under the Childcare Act 2006 – Statutory Guidance for local authorities, maintained school, independent schools, academies and free school – February 2015](#)



Managing Allegations Against Staff And Volunteers Who Work With Children

You should:

- report the allegation to the Designated Safeguarding Lead (DSL) as soon as possible, however trivial it may seem;
- make a signed and dated written record of your concerns, observations or the information you have received to pass on to the Designated Safeguarding Lead (DSL);
- maintain confidentiality and guard against publicity while an allegation is being considered or investigated and follow school confidentiality protocols

You should not:

- attempt to deal with the situation yourself;
- make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents;
- keep the information to yourself or promise confidentiality;
- take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers.

Further guidance can be found in [Working Together to Safeguard Children 2018](#) and in the [London Child Protection Procedures](#).

When to contact the LADO:

A referral should always be made to the LADO if there is an allegation or concern that a person who works with children 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;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

If you are unsure whether your concern meets these criteria you can contact **the LADO** for further advice and guidance.

The role of the LADO includes:

- Providing advice and guidance to employers.
- The management and oversight of allegations against staff and volunteers who work with children.
- Liaising with the police and other agencies.
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible and that the processes followed are fair and consistent.

REFERRAL FORM

Allegations Against Staff & Volunteers Working with Children & Young People

Referrer Details			
Referred by:		Agency/Relationship to child	
Address:		Contact No:	
Date of Referral:		Email (Secure):	
Is the professional aware of this referral?			Yes <input type="checkbox"/> No <input type="checkbox"/>

Professional against whom the allegation has been made			
Name & DoB:		Given names:	
		Known As:	
Home Address:		Postcode:	
Employer:		Contact No:	
Employer address:		Postcode:	
Family Members Names:	DOB	M / F	Relationship (Please state if have PR if known)

Allegation made by:	
Name & DoB:	
Home address:	
Relationship to subject of allegation:	

Any other relevant supporting information

Reason for referral

Actions taken so far

New referrals / all new enquiries to the LADO should be made through the Safeguarding Advice and Allegations Management (SAAM) duty system:

Tel: 020 8583 5730

Email: LADO@hounslow.gov.uk

The Local Authority Designated Officers (LADO's) are:

Grace Murphy and Sarah Paltenghi

Email: Grace.Murphy@hounslow.gov.uk

Tel: 020 8583 4933

Email: Sarah.Paltenghi@hounslow.gov.uk

Tel: 020 8583 3423

For urgent referrals out of hours please contact:

The Emergency Duty Team:

Tel: 020 8583 2222

The Acting Head of Safeguarding & Quality Assurance:

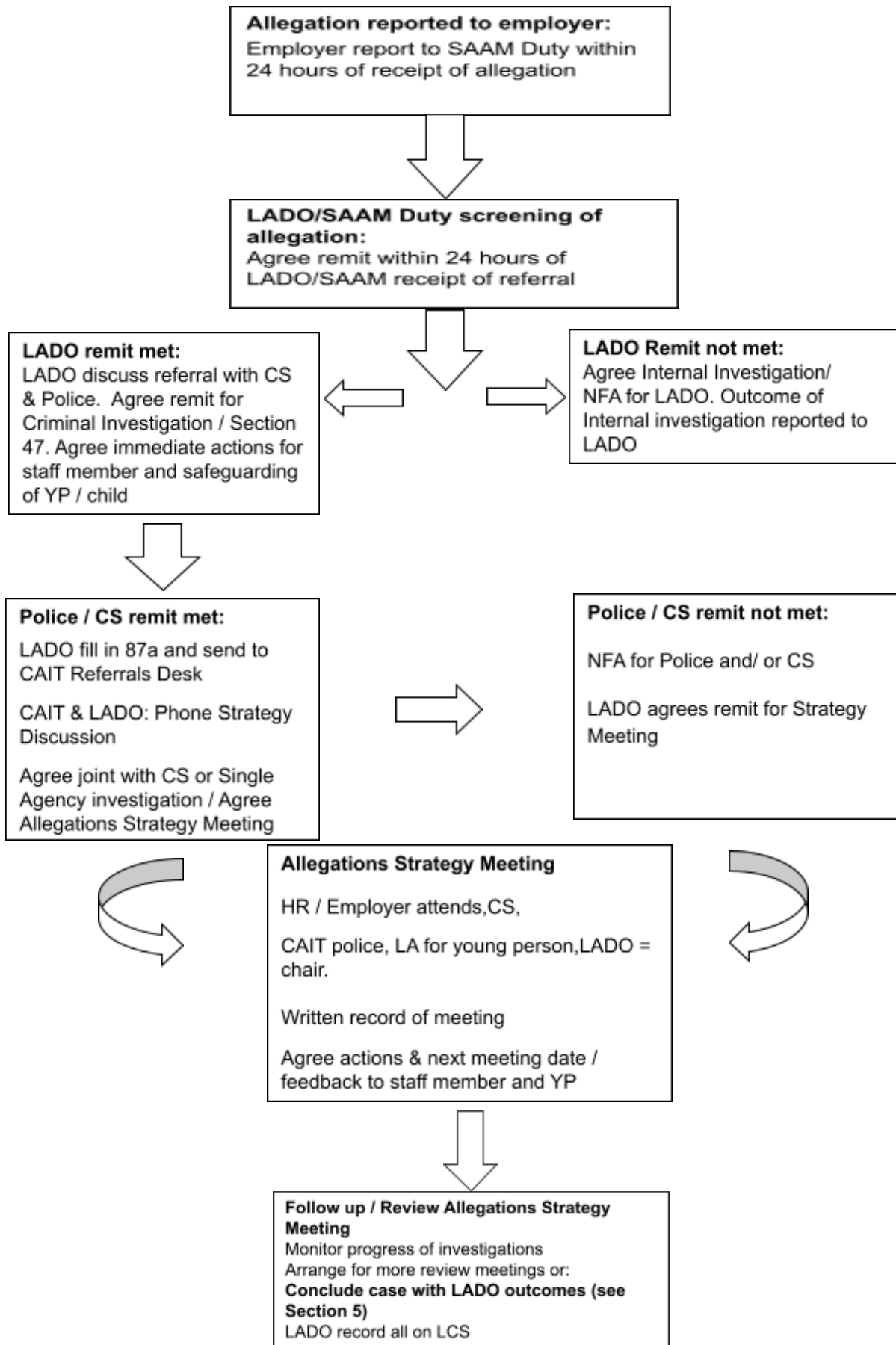
Elizna Visser is the Line Manager for the LADO

Tel: 020 8583 3685

Email: Elizna.Visser@hounslow.gov.uk



LADO Referrals For Allegations Against Staff And Volunteers



Hounslow Referral Process for Allegations against Staff

- 1.1.1 The key steps in dealing with allegations against staff are set out in **London Child Protection Procedures 2017 and Keeping Children Safe in Education**
- 1.1.2 Failure to report an allegation against a staff member could result in disciplinary matters. It is therefore vital to ensure reporting mechanisms follow guidance as set out in London Child Protection Procedures.
- 1.1.3 Referrals to the LADO / SAAM Duty will be made by the Designated Safeguarding Lead or Management within the employer once they are aware that an allegation has been made. Referrals to the LADO service should be completed within 24 hours of the employer or professional receiving the allegation.
- 1.1.4 Referral forms are sent via email to the secure email address lado@hounslow.gov.uk
- 1.1.5 When the referral form is received the LADO / SAAM Duty officer will consider whether further details are needed to inform LADO decision-making. There will also be a consideration if the information received meets remit for further LADO involvement or if the matter could be dealt with via an internal investigation process with the employer. If the latter is agreed the LADO will no longer be involved and SAAM Duty will record recommendations and outcomes on the LADO LCS database.
- 1.1.6 Should LADO remit be met the LADO will liaise with Children Services and with Police (Feltham CAIT Referrals Desk) to agree their involvement and any urgent actions regarding the staff member against whom the allegation has been made or immediate safeguarding measures for the Young Person / Child who made the allegation. An 87a form needs to be completed by the LADO to ensure formal recording of police referrals and discussions.
- 1.1.7 The LADO will agree a date for an Allegations Strategy Meeting which will include Police (if they are involved), Children Services (if involved), HR, the employer and the LA for the young person (where outside of Hounslow). In situations where the allegation is against a health professional, the designated or named nurse for safeguarding [Clinical Commissioning Group/CCG] should be invited.
- 1.1.8 The LADO will chair the Allegations Strategy meeting where the following information will be discussed:
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
 - 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 (e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>);
 - Consider whether a complex abuse investigation is applicable (see Organised and Complex Abuse Procedure);
 - Plan enquiries if needed, allocate tasks and set timescales;
 - Decide what information can be shared, with whom and when. Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
 - Consider what support should be provided to all children who may be affected;

- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
 - Make recommendations where appropriate regarding suspension, or alternatives to suspension;
 - Identify a lead contact manager within each agency;
 - Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
 - Consider issues for the attention of senior management (e.g. media interest, resource implications);
 - Consider reports for consideration of barring where applicable;
 - Consider risk assessments to inform the employer's safeguarding arrangements;
 - Agree dates for future meetings / discussions.

1.1.9 A final strategy meeting /discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learned.

1.1.10 In cases where it was concluded by the LADO that a Lessons Learned Review is required the LADO and the employer will agree recommendations from the review and record this on the Allegation Strategy Meeting Minutes of the final strategy meeting. Any serious issues found during investigations or a Lessons Learned review will be escalated by the LADO as required per LBH escalation processes.

1.1.11 If an allegation arises about a member of staff in their personal life, outside of their work with children, and this may present a risk of harm/risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering, a meeting / discussion with the LADO / SAAM Duty should be convened.

1.1.12 If the member of staff lives in a different authority area to that of Hounslow, liaison should take place between the relevant agencies in both areas and a joint meeting / discussion convened as agreed with the LADO/SAAM Duty team.

1.1.13 In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering. In these circumstances, a meeting / discussion should be convened with the LADO / SAAM Duty to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

2. Timescales for and monitoring of investigations

2.1 It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay.

2.2 The time taken to investigate and resolve individual cases depends on a variety of

factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.

2.3 Target timescales are shown below:

- For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week;
- Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss these issues with the LADO.
- If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days

2.3 It is expected that:

- 80 per cent of allegation cases should be resolved within one month;
- 90 per cent should be resolved within three months;
- All but the most exceptional cases should be completed within 12 months.

2.4 The LADO should monitor and record the progress of each case on the LCS database.

2.5 The LADO should keep 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 HSCB (Hounslow Safeguarding Children's Board) to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education (DfE) as required.

2.6 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the Crown Prosecution Service (CPS) about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / LADO discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

3. Outcomes of investigations

The following definitions should be used when determining the outcome of allegations against staff investigations:

- **Substantiated allegations:**

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm. If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded'.

- **Malicious:**

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

- **False allegations:**

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive. False allegations may be an indicator of abuse elsewhere which requires further exploration.

- **Unsubstantiated allegations:**

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

- **Unfounded**

The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

3.1 **References in cases where the allegation is false, unsubstantiated or malicious:**

- 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.

3.2 **Record keeping in relation to the outcome of an investigation:**

- 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 concerned.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference, 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 pension 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 record retention.

4. Quality Assurance processes

The London Borough of Hounslow LADO is dedicated to ensure good oversight and quality assurance of all Allegations against Staff referrals received.

Referrals that are progressed to a Section 47 (Child Protection) investigation with Children Services will be subject to regular supervision and management oversight as per Hounslow's Supervision Policy.

Further to this additional quality assurance processes are taking place by the LADO to ensure regular discussion and scrutiny, such as:

- The Lessons Learned Process (See Section 3) with employers;
- Training via the HSCB and other bespoke training to address thematic issues;
- LADO oversight of recording via SAAM Duty on the LCS database;
- LADO annual reporting to the HSCB

