



Kestrel House School

MANAGING ALLEGATIONS AGAINST ADULTS POLICY

Adrienne Wright: September 2014
Review Date: September 2015
Next Review Date: September 2016

1. INTRODUCTION

- 1.1 All adults who come into contact with children and young people have a responsibility to safeguard and promote their welfare. They are also vulnerable to the potential for false, malicious or misplaced allegations being made, either deliberately or innocently, arising from normal and proper association and conduct. However, it is regrettably the case that some adults/professionals have been found to be perpetrators of child abuse and/or for behaving in ways which have harmed children/which indicate that they are unsuited to working with them.
- 1.2 Scenarios within which allegations against adults working with children and young people arise can be complex and allegations may emerge for a number of reasons. Those responding to these scenarios need to be sensitive to the needs of all involved and the potential implications of non-adherence to these procedures, which should be applied with commonsense and in line with the principles of natural justice.
- 1.3 The procedures are based upon and comply with the following, overarching Local Authority and national guidance and procedures:
- (i) Chapter 6 and Appendix 5 of 'Working Together to Safeguard Children' (HM Government 2011) www.everychildmatters.gov.uk/workingtogether/
 - (ii) 'Safeguarding Children and Safer Recruitment in Education' (DCSF, 2007) www.teachernet.gov.uk

This document is also written in accordance with Local Safeguarding Children Boards' Policies, 'Safeguarding Vulnerable Groups', 2006, 'Working Together to Safeguard Children' 2013 and 'Keeping Children Safe in Education', April 2014

- 1.4 At Kestrel House School there are clear lines of accountability and communication, as well as safeguarding policies and procedures that are consistent with the these recommendations. (see Longdon Park School Safeguarding Policy)
- 1.5 At Kestrel House School we have a duty of care towards our employees/volunteers and take account of this at a number of levels e.g. via the provision of appropriate induction/training, via the provision of clear guidance on codes of conduct and relevant disciplinary procedures, alongside these procedures.
- 1.6 It is imperative that all staff who may be the subject of an allegation are afforded the same level of advice and support throughout the application of this and/or any related procedure. Compliance with these procedures should help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

2. WHAT IS AN ALLEGATION?

- 2.1 For the purpose of these procedures, an allegation is information which indicates that a person who works with a child 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 s/he is unsuitable to work with children.

This may be in connection with his/her employment or voluntary activity, or where:

- Concerns arise about the person's behaviour outside work e.g. with regard to his/her own children.

- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.
- 2.2 Where allegations against adults who work with children and young people are concerned, it is the Police and the Children’s Integrated Services of the LA who investigate alleged or suspected abuse or possible criminal behaviour.
- 2.3 There may be up to 3 strands in considering a concern or an allegation:
- A police investigation of a criminal offence.
 - Enquiries and assessment by Children’s Integrated Services about whether a child or young person is in need of services.
 - Consideration by the school about whether a disciplinary investigation or action is required in respect of the individual.
- 2.4 If an allegation relating to a child is made about a person who undertakes paid or unpaid care of children or vulnerable adults in other employment, consideration should be given to the possible need to alert the relevant employer.
- 2.5 If an allegation can be shown to be deliberately invented or malicious, as defined at paragraph 14.3, advice should be sought by the Head Teacher from the School’s Education Advisor and/or Acorn’s HR Director in order to consider any action that might properly be taken against the person responsible. Consultation with Children’s Integrated Services may also be necessary in order to ensure that any appropriate support services are provided to a child or young person in need.

3. ROLES & RESPONSIBILITIES

- 3.1 Kestrel House School has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.
- 3.2 Kestrel House School has a named **Designated Safeguarding Lead, (Roz Norton, Headteacher)** with overall, strategic responsibility for:
- Ensuring that the organisation operates these procedures for dealing with allegations.
 - Resolving any inter agency issues that may arise.
 - Liaising with the relevant Local Authority (as appropriate).

3.3 Schools and Education settings should:

- Put in place and operate arrangements for handling allegations in accordance with these procedures.
- Identify a **Designated Safeguarding Lead** (Roz Norton, Headteacher) to whom allegations or concerns should be reported, and a deputy in his absence or if he is the subject of the allegation¹. (In schools and education settings, the '**Designated Safeguarding Lead**', as defined by Working Together To Safeguard Children' (2011), will be the **Head Teacher**)

4. THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO)

4.1 In line with Working Together to Safeguard Children (2011), the LA will have appointed a Local Authority Designated officer (LADO).

4.2 The LADO's role extends across allegations within all agencies and organisations and includes:

- The management and oversight of individual cases.
- Providing advice and guidance to employers and voluntary organisations.
- Liaising with the police and other agencies.
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

5. WHAT SHOULD THE RECIPIENT OF INFORMATION WHICH DOES OR WHICH MAY CONSTITUTE AN ALLEGATION DO?

5.1 There are a number of sources from which an allegation may arise, such as a child, parent, carer, member of the public, work colleague etc.

5.2 The person to whom the allegation is reported, initially, should:

- Treat the matter seriously.
- Avoid asking leading questions and keep an open mind
- Make a written record (signed and dated) of the information provided to them which:
 - Use's the child/adult's own words (**See also para 7.5**).
 - Makes clear what is being alleged and what is alleged to have happened.
 - Makes clear when and where (time, date and location) the alleged incident(s) took place.
 - Makes clear who was present, including any potential witnesses.
- Sign and date the written record and pass it, **without delay**, to the Head Teacher/Principal (or the Deputy in their absence, or if the Head is implicated)
- The person passing this record to the Head Teacher/Principal should not discuss the matter with anyone else, they must be mindful of the danger of impeding a criminal or child protection enquiry and of spreading damaging allegations which may also be defamatory

5.3 **Where there is an immediate risk to a child or young person, an urgent referral to the local Integrated Assessment and Support Team should be made.** This will usually be undertaken by the

¹ In the event of an allegation against the Head Teacher/Principal, the Schools Director will designate someone to undertake the Head Teacher's role for the purpose of this procedure. Any member of staff or volunteer receiving an allegation against the Head Teacher/Principal should therefore pass this to the Schools Advisor or Schools Director. In the event of an allegation against the Schools Advisors or Schools Director immediate advice and support should be sought from the HR Director.

Head Teacher although, in the unlikely event that the Head Teacher is unavailable, another senior member of staff ie Designated Senior Person (DSP) should be notified in order to take any necessary action and avoid delay. The allegation issue can be followed up once any immediate risk issues have been addressed.

6. INITIAL ACTION BY THE HEAD TEACHER/SCHOOLS ADVISOR/SCHOOLS DIRECTOR

6.1 Questions are often asked about ‘evidence-gathering’ and ‘investigation’ by the Head Teacher at the outset in cases where a lack of clarity exists – which is in fact quite common. It is imperative that Head Teachers and staff are clear that where allegations against adults who work with children and young people are concerned, it is the **Police** and **Children’s Integrated Services** who investigate alleged or suspected abuse or possible criminal behaviour. **Therefore, the Head Teacher should not investigate the matter by interviewing the accused person, any child(ren) or potential witnesses.** S/he should consider:

- Whether the criteria at paragraph 2.1 are met?
- Whether this matter needs to be investigated and, if so, by whom?

6.2 **Without interviewing anyone**, the Head Teacher should collate any other information at their disposal ie what else is known about any of the individuals (adult(s) and children/young people involved e.g.

- Names, dates of birth, home addresses.
- Length of service.
- Specific role within the organisation.
- Previous/current level of contact with the child(ren) involved.
- Details of any relevant plans pertaining to the child(ren) implicated (e.g. behaviour management plan, child protection plan, SEN).
- Whether there have been any previous relevant concerns/allegations/disciplinary issues in respect of any of the individuals implicated.
- Whether the adult subject has any children of their own or children who reside at their home address.
- Check to see whether any other [contemporaneous] records exist which might relate to the alleged incident ie incident/accident forms, care and control/behaviour management records.²

6.3 The Head Teacher should then seek advice from one of the Officers at para 7.1 (below) in all cases except those where the allegation is unquestionably false or trivial.

7. HEAD TEACHER/PRINCIPAL’S CONSULTATION WITH SAFEGUARDING AND/OR HUMAN RESOURCES

7.1 Once the Head Teacher has collated the information above he should liaise with in the first instance the Schools Advisor.

7.2 Notwithstanding the liaison requirement with the schools advisor further discussion/advice may be required with:

- **Acorn Lead on Safeguarding**
- **The HR Director**
- **The Local Authorities Children’s Integrated Services**

7.3 Some allegations will be unquestionably false e.g. the individual was not in school on the day in question. Alternatively, information may actually constitute a complaint or concern about an

individual's conduct which can and should be dealt with by the school/setting via internal processes and procedures. However, experience tells us that things can change course and escalate quickly. Consequently, **it is always advisable to seek advice from in the first instance the Schools Advisor and then it required one of the parties named in 7.2.**

- 7.4 Consultation with the aforementioned Officer(s) will focus upon the decision about **whether or not this is a matter which meets the criteria at paragraph 2.1 and what if any further action will be taken, when and by whom** ie
- Does a referral need to be made to LADO?
 - Do referrals need to be made to Children's Integrated Services and/or Police and, if so, who will make them?
 - Is a strategy discussion to be had who would attend?
 - Suspension/interim management arrangements.
 - Any immediate or interim management / support options in respect of the child or young person.
 - What information may/may not be provided to staff/subjects/parents at this stage?.
- 7.5 In some cases, it may be agreed that the Head Teacher/Principal should try and obtain more detail in order to inform a decision about a next course of action. That being the case, the following boundaries should be adhered to in respect of speaking to those potentially involved and the securing of potential 'evidence':
- Some children and young people may be able to provide their own written account of an alleged incident or interaction. If they are to be asked to produce such an account this needs to be handwritten in ink, in an environment where possible collusion (if there is more than one young person involved) can be avoided, timed, signed and dated by them.
 - Where allegations relate to mobile telephones or ICT use for example, any school equipment which may need to be examined by CIS and/or Police should be secured, discreetly (including documents which have allegedly been produced, exchanged, altered etc ie as part of a lesson)³.
 - In undertaking any of the above the Head Teacher needs to be clear about the potential for interfering with any future investigation.
- 7.6 In order to share information and make the most informed decision possible, the person consulted under section 7.1 will check any relevant systems for further information and may have discussions with other Acorn colleagues including the HR Director.
- 7.7 Where there is reasonable cause to suspect that a child has suffered, is suffering or is likely to suffer significant harm, or where a lack of clarity remains, then a **strategy discussion will be coordinated by LADO**. This will involve Children's Integrated Services, the Police, LADO and the Head Teacher. In some cases it may be that the strategy discussion will agree upon the need for immediate investigative or protective action i.e. Section 47 or criminal investigations.
- 7.8 Alternatively, a strategy discussion may indicate that no further action is required from investigative agencies and that the matter can therefore be dealt with by the employer in accordance with internal procedures. In other cases, a formal strategy meeting may need to be convened. **In all cases, decisions about or enquiries by CIS and/or Police will preclude a disciplinary investigation or 'internal' process by the School or Residential home**, so as to prevent the potential impediment of criminal and/or child protection enquiries.
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8. REFERRALS TO LADO

- 8.1 If it is agreed that the allegation meets *any* of the criteria in paragraph 2.1 the Head Teacher/Principal should refer the matter to the **LADO within 1 working day using the attached form.**
- 8.2 Where the Head Teacher/Principal disagrees with the advice offered following consultation, s/he should contact the LADO via telephone in order to discuss their concerns.

9. SUSPENSION ISSUES & SUPPORT FOR STAFF

- 9.1 Discussions about suspension may take place at an early stage and while other professionals may wish to express a view, the decision to suspend rests ultimately with the School and should be in accordance with each organisation's own policies.
- 9.2 Suspension is **not** and should never be an inevitable or automatic response to an allegation, neither is it a disciplinary sanction. Recourse to suspension should not occur without good reason and/or without consideration having been given to appropriate alternatives. However, in some cases it might properly be considered in certain circumstances, e.g.
- (i) Where there is or may be ongoing risk to an individual because of someone's continued presence on site.
 - (ii) In order to prevent the impediment of a criminal or child protection enquiry.
 - (iii) Because the allegation made is so serious that dismissal for gross misconduct is possible.
- 9.3 The HR Director is best placed to advise Schools on the procedure for suspending a member of staff. In any event, whether a member of staff is suspended or not, **in any case where a formal notification to LADO is made** then, the school **must provide the member of staff with:**⁴
- (i) Be provided with a copy of this procedure (including appendices).
 - (ii) Be advised to seek advice and support from their Association/Trade Union/ and where appropriate solicitors provided by the organisation.

10. STRATEGY MEETINGS

- 10.1 If any of the criteria at 2.1 are met the LADO will check whether a referral has been made to Children's Integrated Services. The Police should be notified in any case in which a criminal offence may have been committed and the LADO will ensure that this has occurred.
- 10.2 If a multi-agency strategy meeting needs to be convened in response to an allegation; in line with Working Together 2013, there is an expectation that the matter should be dealt with as quickly as possible, to this end the meeting should be held within three working days of receipt of referral.
- 10.3 **The adult subject(s), any children/young people and parent/carers will not be invited to attend a strategy meeting. The meeting will:**
- Share all relevant information.
 - Consider the current allegation or concern and review any previous allegations or concerns made against the member of staff and/or the establishment.
 - Decide whether there should be a s.47 enquiry/criminal investigation if not already commenced.
 - Scope and plan any s.47 enquiry/criminal investigations.
 - Consider, if a s.47 enquiry is appropriate, whether a complex abuse investigation is applicable.
 - Identify who may need to be interviewed
 - Set time-scales.

- Decide who to inform and when (subject of allegations, child, parents) and agree who is responsible for doing this (It will usually be the employer).
- Make recommendations regarding suspension, disciplinary, competency, regulatory or complaint procedures be undertaken.
- Agree criteria for a re-referral where new evidence comes to light suggesting that a further strategy meeting needs to be convened.
- Agree arrangements for the outcome of any internal process to be reported to the LADO and chair.
- Set a date for a review strategy meeting. If the allegation requires a police investigation, a review meeting should be held within seven days to ascertain progress. Whilst it is acknowledged that some police investigations may take longer, it is the role of the designated officer to monitor this in order to avoid any potential drift.

11. REVIEWING THE STRATEGY DISCUSSION OR MEETING

- 11.1 The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations. However, it is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation and every effort should be made to manage cases in order to avoid unnecessary delay. The LADO will monitor and record timescales in respect of all cases and liaise with Senior Officers/Head Teacher/Principal in the event of delay.
- 11.2 The **Review Strategy Meeting** will draw together all relevant information following the completion of enquiries by Children's Integrated Services, Police and any other agency (as appropriate), and make multi-agency decisions about any further action to be taken in the case, including timescales for completion⁵.
- 11.3 Where difficulties have been encountered by investigative agencies the review will also provide an opportunity to clarify what these are, to identify solutions, make further plans and agree upon timescales.
- 11.4 Should enquiries take longer than the initial four week/28 day period, then the strategy meeting should reconvene every four weeks to ensure that there is ongoing review and to avoid unnecessary delay..
- 11.5 The LADO will monitor the progress of cases either via:
- Review strategy discussions/meetings, **or**
 - By liaising with the Police, Children's Integrated Services, employers and regulatory bodies/inspectorates as appropriate.

12. RESIGNATIONS AND COMPROMISE AGREEMENTS

- 12.1 The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a formal conclusion reached.
- 12.2 A compromise agreement by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must **not** be used in situations to which this procedure applies where there has been an allegation within the definition at 2.1
- 12.3 Wherever possible, the subject should obviously be given an opportunity to answer the allegation and make representations as soon as possible. However, any enquiries and investigations should continue to a conclusion even if the person refuses to co-operate; decisions will be taken on the strength of what is known in the event that an individual chooses not to make representations⁶.

13. DISCIPLINARY CONSIDERATIONS

- 13.1 Where the initial consideration decides that the allegation does **not** meet the criteria at para 2.1, it will be dealt with by the School or Residential Home in accordance with their internal procedures and as quickly as possible.
- 13.2 If disciplinary action is required it should be carried out in accordance with the School or Residential Home's internal procedures.
- 13.3 If the Police or CPS decide not to charge or to administer a caution, or if the person is acquitted, the Police should ensure that all relevant information is made available to the School or Residential Home without delay. Where this does not occur the LADO will liaise with the Police Senior Manager.
- 13.4 If the person is convicted, the Police should inform the employer and LADO immediately to enable the employer to take any appropriate action.

14. RECORD KEEPING & DEFINING OUTCOMES

- 14.1 The School should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.
 - 14.2 The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer⁷.
 - 14.3 The record should also contain details of the category into which the allegation falls:
 - **Substantiated** – A substantiated allegation is one which is supported or established by evidence or proof
 - **Unsubstantiated** – This means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
 - **Unfounded** – This indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.
 - **Deliberately Invented or Malicious** – This implies a deliberate intention to deceive. A malicious allegation may, for example, be made by a child following an altercation with a member of staff or a parent who is in dispute with the organisation. For an allegation to be classified as malicious, it will be necessary to have evidence which proves this intention.
 - 14.4 Each School employer should ensure that they have appropriate policies and procedures in place governing record retention and suitable arrangements for the secure destruction/disposal of records at the end of their lifecycle.
 - 14.5 The record will provide accurate information for any future reference and provide clarification if a future DBS disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation should resurface; **it is intended to protect children and adults alike.**
 - 14.6 The School should ensure that they have procedures in place to alert those with a need to know that information in addition to that contained in an employee's personnel record may also be held by the LADO.
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14.7 School should implement policies and procedures to govern the disclosure of information relating to allegations in response to requests for employment references.

15. REFERRAL TO DCSF/INDEPENDENT SAFEGUARDING AUTHORITY OR REGULATORY BODY ie GTC

15.1 If an allegation is substantiated and the person is dismissed or if the School or ceases to use the person's services, or if the person resigns or otherwise ceases to provide his/her services, decisions need to be taken about the need for referrals to be made to DCSF/ISA in order for them to consider whether the individual should be barred from, or have conditions imposed in respect of, working with children.

15.2 **It is imperative that the final outcome of all cases are relayed to LADO** in order that the appropriate records can be maintained:

Appendix 4: LADO Notification Form

LADO Allegations Notification Form

To be completed electronically and emailed

Please Note: a separate form must be completed for each incident. If an incident concerns more than one young person each young person must be named on the form.

A Information about any child identified

Name:

Date of Birth:

Sex (M/F):

Is the child Looked After (yes/no):

Legal Status of Young Person e.g. Looked After Child :

Is the child subject to a CP Plan (yes/no):

Category:

Other relevant information about the child:

Is more than one young person involved (yes/no):

How many:

List Name(s) and DoB(s):

Ethnicity:

1. White/British

2. White/Irish

3. White Traveller Irish Heritage

4. White Gypsy Roma

5. White any other background

6. Mixed White/Black African

7. Mixed White/Black Caribbean

8. Mixed White/Asian

9. Black/Black British African

10. Black/Black British Caribbean

11. Black British any other Black background

12. Asian or Asian/British Bangladeshi

13. Asian or Asian/British Indian

14. Asian or Asian/British Pakistani

15. Asian British any other Asian background

16. Chinese

17. Mixed any other mixed background

18. Any other ethnic group

B Information about the person against whom the allegation has been made

Name of person who is the subject of the allegation (include any known aliases, maiden name if known):

Date of Birth:

Sex M/F:

Job Title:

Last Date of Criminal Records Bureau (DBS) check:

Name of person's employer:

Name of Senior Manager/Person dealing with the allegation.

Contact details for Senior Manager/Person dealing with the allegation.

Home address of person who is subject of the allegation.

Are there any children resident at the person's home address? If yes please give name/s and date of birth.

Does the person have any other contact with vulnerable individuals (child/adult)? If yes, please give details.

C Information about the person against whom the allegation has been made – cont.

Employment Sector: Foster Care Lancashire County Council Foster Care Agency Adopters
 Social Care Residential Lancashire County Council Residential Agency Secure Estate
 Health Education Nursery/childminder Faith Group
 Police Connexions Voluntary Organisation Armed Forces
 NSPCC Probation Immigration/Asylum Support Services YOT
 CAFCASS Other (please state)

Have any allegations or concerns been made against this person previously: Yes No

Details of previous allegations or concerns:

Ethnicity:

1. White/British <input type="checkbox"/>	7. Mixed White/Black Caribbean <input type="checkbox"/>	13. Asian or Asian/British Indian <input type="checkbox"/>
2. White/Irish <input type="checkbox"/>	8. Mixed White/Asian <input type="checkbox"/>	14. Asian or Asian/British Pakistani <input type="checkbox"/>
3. White Traveller Irish Heritage <input type="checkbox"/>	9. Black/Black British African <input type="checkbox"/>	15. Asian British any other Asian background <input type="checkbox"/>
4. White Gypsy Roma <input type="checkbox"/>	10. Black/Black British Caribbean <input type="checkbox"/>	16. Chinese <input type="checkbox"/>
5. White any other background <input type="checkbox"/>	11. Black British any other Black background <input type="checkbox"/>	17. Mixed any other mixed background <input type="checkbox"/>
6. Mixed White/Black African <input type="checkbox"/>	12. Asian or Asian/British Bangladeshi <input type="checkbox"/>	18. Any other ethnic group <input type="checkbox"/>

D Information about the allegation or concern

Primary Category of Abuse: Physical Emotional Sexual Neglect

Nature of Allegation or Concern: Occurred during or following authorised intervention or physical restraint
 Grooming/Sexual Exploitation Mobile phone/ Internet/Online

Date of alleged incident:

Where did alleged incident take place:

Brief description of allegation or concern:

Recommended Action Plan (For example - No further action, disciplinary investigation, suspension of staff, child no longer present, referred to Children’s Services)
Reason for Action Plan/Recommendation – (For example – no previous concerns, contact with the children).

Name and job title of person who raised allegation or concern with Agency:

Date concern raised with Agency making referral:

E Agency reporting allegation or concern to LADO:

Health <input type="checkbox"/>	Social Care <input type="checkbox"/>	Faith Group <input type="checkbox"/>	Adoption/Foster Care Agency <input type="checkbox"/>
Police <input type="checkbox"/>	Connexions <input type="checkbox"/>	Education <input type="checkbox"/>	Voluntary Organisation <input type="checkbox"/>
Probation <input type="checkbox"/>	CAFCASS <input type="checkbox"/>	Secure Estate <input type="checkbox"/>	Immigration/Asylum Support Services <input type="checkbox"/>
Armed Forces <input type="checkbox"/>	NSPCC <input type="checkbox"/>	YOT <input type="checkbox"/>	Other (please state) <input type="text"/>

F Details of person completing this form

Name: Job Title:
 Direct Telephone: Date:

Appendix 2: Exemplar letter to subject

Dear

Re: CHILD PROTECTION ALLEGATION

I am writing in relation to the child protection allegation that was made against you on DATE.

The DCSF have issued statutory guidance in relation to dealing with allegations against staff. Chapter 5 of the DCSF guidance document "*Safeguarding children and Safer Recruitment in education*" entitled "*Dealing with allegations of abuse against teachers and other staff*" states at paragraph 5.10:-

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

As required under this guidance document, I enclose a copy of the record that will be retained on your personal file within School. This record will be retained alongside the following documents:-

- *(insert list of docs ie adverse report, statements etc)*
- *or delete this bit if there was no investigation at school level, or there were no additional documents*

Yours sincerely

Appendix 3: Allegation Record Pro-Forma

RECORD OF CHILD PROTECTION ALLEGATION (for retention on the employee's personal file)

This form to be used for **all** child protection allegations made against professionals working in schools/educational establishments.

Employee details

Employee Name:			
Employee No:		Date of birth:	
School/ establishment			
Previous schools/ establishments			

Details of allegation

Date of incident:		Date of allegation:	
Brief details of allegation: <i>*No third-party details to be included</i>			
Children's Integrated Services involvement & outcome:			
Police involvement & outcome:			
School/ establishment action (if no action, explain why):			
Outcome of school action/decision:			

A copy of this record to be provided to the employee once the matter has been concluded and **retained on their personal file until the employee reaches normal retirement age or a period of 10 years from the date of allegation if that is longer**. The purpose of the record is to assist in response to future reference requests, to provide clarification in cases where a future DBS disclosure reveals information from the Police about an allegation that did not result in a criminal conviction and to help prevent unnecessary re-investigation if an allegation resurfaces after a period time.

Five Frequently Asked Questions

❖ **When will I be given an opportunity to respond to the allegation?**

The principles of natural justice dictate that any person accused of something should be afforded an opportunity to know what is being alleged and to respond. How and when that occurs will depend upon the nature of the allegation and any enquiries that are being made in respect of it. Rest assured, you will certainly be provided with information and an opportunity to respond **as soon as possible**.

❖ **If I am to be spoken to or interviewed by Police and/or Children's Integrated Services (ie a social worker) when and where will this happen?**

Again, the need for sensitivity and discretion is at the forefront of everyone's mind in dealing with matters of this sort. In the event that you do need to be spoken to or interviewed then this will be arranged and handled with the utmost discretion. Again, you should seek advice from your Contact Officer/Union/Association regarding any additional advice or support that you may need in the event that you are to be interviewed formally.

❖ **What Information about this process, including any meetings and/or investigative processes, will I have access to?**

If you are faced with an allegation you should be provided with a copy of the Procedure for Managing Allegations by your employer. This will inform you of the process(es) that need to be followed by your employer and the relevant authorities/agencies in dealing with the allegation. Minutes of strategy meetings (see Managing Allegations Procedure, sections 10 & 11) are confidential documents and are not disclosed to third parties (ie those not in attendance) as a matter of course. Once any enquiries have been concluded a request for a summary of any such meeting can be made to the Chair of the meetings and you should seek advice from your Contact Officer/Union/Association in the event that you wish to access this. For obvious reasons, the disclosure of any records/potential evidence held by investigative agencies is subject to the usual rules of confidentiality and Data Protection/Freedom of Information Act legislation.

❖ **What Records will be kept, by whom and for how long?**

In line with the relevant national guidance, the employer and Local Authority Designated Officer (Managing Allegations Procedure, section 4) are required to keep a record of all allegations for ten years or until you reach retirement age, whichever is longer. Such records are maintained for the protection of adults and children alike and you should be provided with a copy of the record that is kept by your employer. (See below)

❖ **Will this impact upon any future DBS disclosure or references if I apply for another job?**

DBS information is disclosed at the discretion of the Chief Constable although discussions about DBS disclosures may occur during the course of multi-agency strategy meetings (Managing Allegations Procedure sections 10 & 11). Employers will provide details of any allegations that have been made against individuals in the event that they are asked for a reference by a prospective employer; this is in line with best [safe recruitment and selection] practice and is intended to ensure that clarity is achieved which protects adults and children alike ie it will prevent unnecessary re-investigation in future and leave no doubt that appropriate and robust procedures were followed and the matter dealt with appropriately at the time.

Do take time to read the managing allegations procedure and appendices carefully and liaise with your Union / Association representative and Contact Officer, where applicable, in the event that you need to clarify anything.