



Procedures for dealing with an allegation of abuse against staff

Relevant policies and procedures: Whistleblowing Policy, Code of Conducts, forms for reporting concerns about a child, Data Protection Policy, Safeguarding Policy, Whistleblowing procedure

Where it is alleged that a member of staff (including volunteers) of EBED has

- A. behaved in a way that has harmed a child, or may have harmed a child;
- B. possibly committed a criminal offence against or related to a child; or
- C. behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children the following procedures will be used.

In the first instance, EBED's Dedicated Safeguarding Officer (DSO) or deputy will obtain written details of the allegation, signed and dated by the person receiving the complaint or allegation (not the child/ person making the allegation).

The DSO or deputy will;

- Countersign and date the written details
- Record any other information about times/ dates and location of incidents and names of any potential witnesses
- Consider in consultation with the Chief Executive Officer the appropriateness of implementing disciplinary procedures e.g. suspension of the person subject to the allegations

The DSO or deputy will not;

- Investigate the matter by interviewing the accused person, the child or potential witnesses.
- The DSO or deputy will report the allegation to the Local Authority Designated Officer (LADO) within 1 working day.

The LADO and DSO will;

- Establish that the allegation is within the scope of these procedures
- Verify whether there is evidence or information that establishes that the allegation is false or unfounded
- Consider whether further information is needed
- Consider carefully whether suspension is needed

The LADO will consider whether a strategy meeting should be initiated at which representatives of the police, children's social care and EBED will be present to consider three strands:

1. If there is a criminal case to answer
2. If there is a child protection concern or
3. If the matter is to be referred back to EBED to consider whether disciplinary action is required.

In the case of such a meeting being convened EBED will act in line with any decisions made at this meeting. The outcome of allegation investigations will be determined as one of the following:

- 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 incident or was mistaken about what they saw. Alternatively they may not have been aware of all 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.

Action on conclusion of a case

If the allegation is substantiated and the person is dismissed or EBED ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the LADO will discuss with the DSO and the Chief Executive Officer whether to refer the case to the Disclosure & Barring Service for consideration of inclusion on the barred lists.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity. Local authorities, schools, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person’s services.

So-called ‘compromise or settlement agreements’, by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require that.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the DSO and Chief Executive Officer will 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 DSO 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 student of EBED.

Change Record

Date of Change/Review	Changed by:	Comments
September 2018		

Procedure approved by the Trustees: Date.....