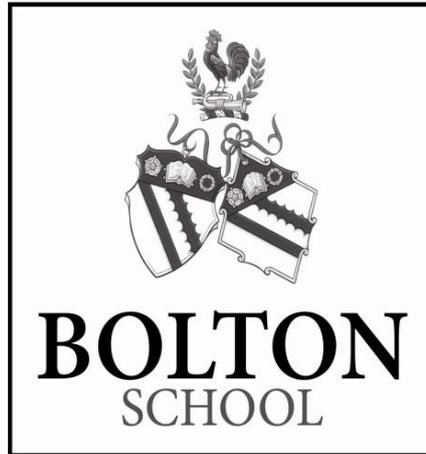


# BOLTON SCHOOL



## DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF, VOLUNTEERS, CONTRACTORS AND OTHER ADULTS

### POLICY AND PROCEDURE

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## Executive Summary

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## **Bolton School – Policy and Procedures for Dealing with Allegations of Abuse**

### **Introduction**

Bolton School Foundation strives to ensure that all its pupils, including those in the Early Years Foundation Stage (EYFS) settings, remain safe and free from harm and is committed to playing a full and active part in the multi-agency response to child protection concerns. This commitment is outlined in the Foundation's Policy for Safeguarding and Child Protection, which should be read alongside the Policy and Procedures for Dealing with Allegations of Abuse. In addition, the Foundation has in place a behaviour policy, which follows the Guidance for Safer Working Practice for those Working with Children and Young People in Education Settings (October 2015), and has in place systems to deter possible abusers, including suitable Safer Recruitment Procedures.

The purpose of this document is to ensure that all staff, volunteers, contractors and Governors (including those adults working with EYFS children):

- understand what they should do if they receive an allegation about another member of staff, (including the Headmaster or Headmistress, a Governor, (including the Chairman of Governors), volunteer or contractor) or if they themselves have concerns about the behaviour of one of these individuals (Section A);
- are aware of the conduct and behaviour expected of them, specifically in relation to the children and understand the potential circumstances in which an allegation of abuse may be made against them (Section B);
- understand the process that would be followed were an allegation to be made against them and how they could access appropriate support and guidance (Section C & D);
- have access to relevant contact details (Section E)

(NB Concerns about pupils' behaviour/ conduct/ attitudes towards other children- including with regard to peer on peer abuse- are dealt with in the Safeguarding and Child Protection Policy.)

The framework for managing cases of allegations of abuse against adults who work with children is outlined in the Department for Education's (DfE) Statutory guidance document "Keeping Children Safe in Education" (KCSIE September 2019) and in the document entitled "Working Together to Safeguard Children" (Department for Education (DfE) July 2018). The Foundation has adopted the detailed procedures provided, and will apply them fairly and consistently, should the need arise. In some circumstances elements of the process will require the Foundation to work and co-operate with other agencies, specifically the Children's Services Department of the Local Authority, (Bolton for matters arising on the main School site and Cumbria for matters arising at Patterdale Hall), and the Police, in order to safeguard and promote the welfare of the children; the Foundation is committed to do this by open and honest communication.

This policy and these procedures will be reviewed at least annually, including as part of the annual review carried out by the Nominated Governor on behalf of the Governing Body, and may be amended from time to time. Should any deficiencies or weaknesses in child protection and/or other Safeguarding arrangements become apparent, these will be remedied without delay.

**Section A: What to Do If You Have a Concern About the Behaviour/ Attitudes of any Adult in the Foundation Towards A Child or Children**

All employees, volunteers, contractors or Governors have a responsibility to be alert to children’s needs and any risk of harm that individual abusers or potential abusers may pose to children. They have a duty to report and refer to an appropriate and more senior colleague any concerns (however minor they appear to be) about the behaviour/ conduct/ attitudes of any other adult currently working in the Foundation in an employed, contractual or voluntary capacity. Such concerns should be passed on without delay so that the behaviour/ conduct/ attitudes can be investigated and remedial action, if appropriate, can be taken swiftly.

Concerns may be the result of: observation of another adult’s conduct; comments made by another adult; an allegation or direct disclosure by a child or children; indirect disclosure e.g. through children’s written work, art work or through their friends; an allegation or complaint from a parent or carer to a member of school staff, Children’s Social Care office, or the Police; reports by other colleagues or agencies; anonymous reports; other reasons.

**If the concern suggests that a member of staff, contractor or volunteer has or may have:**

- a) behaved in a way that has harmed a child or may have harmed a child (whether at work or outside work);**
- b) possibly committed a criminal offence against a child or related to a child (whether at work or outside work);**
- c) behaved towards a child or children in a way that indicated s/he may pose a risk of harm to children (whether at work or outside work);**

**then this concern must be passed on as follows in the table below, without informing the person involved in the concern.\* Under Bolton’s ‘First Five Minutes Rule’, such concerns should be passed on without delay so that the person receiving the report can in turn pass them on swiftly to the Safeguarding in Education Officer or LADO.**

<b>Concern/ Allegation about</b>	<b>Report to</b>
Any adult working for/in the Boys’ Division (Senior School, Junior School (Park Road)) as an employee/ contractor/ volunteer, including the Designated Senior Lead for Safeguarding but excluding the Headmaster	<b>Mr Philip Britton, Headmaster, or his Deputy (Mrs Helen Brandon)</b> Mr Britton can be reached on 01204 840201 extension 204/ <a href="mailto:pjb@boltonschool.org.uk">pjb@boltonschool.org.uk</a> / mobile phone number out of hours: 07824 645810 Mrs Brandon can be reached on 01204 840201 extension 211/ <a href="mailto:hmb@boltonschool.org.uk">hmb@boltonschool.org.uk</a>
Any adult working for/ at Patterdale Hall as an employee/ contractor/ volunteer, including the Designated Senior Lead for Safeguarding	<b>Mr Philip Britton, Headmaster, or, in his absence, Mrs Cathy Fox, the Clerk &amp; Treasurer</b> Mrs Fox can be reached on 01204 840201 extension 205/ <a href="mailto:clfox@boltonschool.org.uk">clfox@boltonschool.org.uk</a> /mobile phone number out of hours: 07557 747004;
Any adult working for/ in the Girls’ Division (Senior School, Junior School (Hesketh House), Infants’ School (Beech House)) as an employee/ contractor/ volunteer, including	<b>Miss Sue Hincks, Headmistress, or her Deputy (Mrs Lynne Kyle)</b> Miss Hincks can be reached on 01204 840201 extension 212/ <a href="mailto:shincks@boltonschool.org.uk">shincks@boltonschool.org.uk</a>

the Designated Senior Lead for Safeguarding but excluding the Headmistress	/mobile phone number out of hours: 07557 747005; Mrs Kyle can be reached on 01204 840201 extension 214/ <a href="mailto:lkyle@boltonschool.org.uk">lkyle@boltonschool.org.uk</a>
Any adult working for/ at the Nursery (including the Nursery Class) as an employee/ contractor/ volunteer, including the Designated Senior Lead for Safeguarding	<b>Miss Sue Hincks, Headmistress, or her Deputy (Mrs Lynne Kyle)</b>
Any adult working for/ in Central Services or BSSL, including Kidzone (except for Patterdale Hall), including the Deputy Designated Senior Lead for Safeguarding but excluding the Clerk and Treasurer	<b>Mrs Cathy Fox, Clerk and Treasurer, or her Deputy (Mr Martin McDermott)</b> Mrs Fox can be reached on 01204 840201 extension 205/ <a href="mailto:clfox@boltonschool.org.uk">clfox@boltonschool.org.uk</a> /mobile phone number out of hours: 07557 747004; Mr McDermott can be reached on 01204 840201 extension 418/ <a href="mailto:MMcdermott@boltonschool.org.uk">MMcdermott@boltonschool.org.uk</a>
The Clerk and Treasurer, the Headmaster or Headmistress	The <b>Chairman of Governors, Mr Michael Griffiths</b> , or, in his absence, the Vice Chair [Mr David Mohyuddin for the Boys' Division and Dr Sheila Fisher for the Girls' Division] without first notifying the Headmaster/ Headmistress. Contact details for the Chairman and the two Vice Chairs may be obtained by telephoning Mrs Debra Hardman, P.A. to the Clerk and Treasurer, on 01204 840201 extension 411.
The Chairman of Governors	The Local Authority Designated Officer should be informed, without first informing the Chairman of Governors.
	The person in the column above will also inform the Governor with responsibility for Safeguarding, Mrs Louise Relph

\*Staff in the Foundation may if they wish, however, discuss any concerns about another adult with the appropriate Designated Safeguarding Lead and make any referral to the appropriate person (in the right hand column below) via the Designated Safeguarding Lead, as long as the concern/ allegation is not about the DSL and as long as this discussion does not delay the process unduly.)

NB The duty to report applies *irrespective* of whether the harm or abuse or allegation relating to any person inflicting harm or abuse to a child occurs on premises owned by the Foundation, at home or elsewhere. Allegations received against a teacher who is no longer teaching will be referred to the Police, as will any historical allegations.

NB 2 If a member of staff alleges that s/he has been or was a victim of child abuse, this will normally be dealt with by the Designated Safeguarding Lead or their Deputy and will be referred to the Police, by agreement with the member of staff, and dealt with according to Police procedures. If the alleged perpetrator is known to currently have contact with children, then in addition this will be reported to Children's Social Care where the alleged perpetrator

lives and the LADO where the alleged perpetrator works. Further information can be found at the link below:

[http://greatermanchesterscb.proceduresonline.com/chapters/p\\_adults\\_dis\\_ch\\_sex\\_ab.html](http://greatermanchesterscb.proceduresonline.com/chapters/p_adults_dis_ch_sex_ab.html)

### **Section B: What Happens Immediately After You have Passed Your Concern/Allegation On in Bolton?**

The person to whom you have reported your concern, i.e. the Headmaster/ Headmistress/ Clerk and Treasurer/ Governor, or their Deputy will, without delay, consider the concern you have reported and whether or not it has reached the threshold for reporting on to Bolton Local Authority- i.e. the concern suggests that a member of staff, contractor or volunteer has or may have behaved in a way that has harmed a child or may have harmed a child; or possibly committed a criminal offence against a child or related to a child; or behaved towards a child or children in a way that indicated s/he may pose a risk of harm to children. (If there is any doubt about whether or not the threshold has been reached, the matter will be reported on for advice only in the first instance).

The Headmaster/ Headmistress/ Clerk and Treasurer/ Chairman of Governors, (or their Deputy), will then decide to report the matter on him or herself to the Safeguarding in Education Officer or directly to the Local Authority Designated Officer, (LADO)<sup>1</sup>, or will nominate somebody else senior and appropriate to do this on behalf of the Foundation. The person reporting the matter on to the LA will assume the role of ‘Case Manager’ and will follow the Foundation’s and Bolton Local Authority’s procedures as listed below.

At this stage, the ‘Case Manager’ **will not investigate** the alleged incident by interviewing those directly involved or any witnesses without prior consultation with the LADO or, in the most serious cases, the police. (This is in order not to jeopardise any subsequent investigations). S/he will simply establish:

- That an allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

Under Bolton Local Authority rules, the Case Manager is required to contact the LADO **within one working day of receiving the allegation**. An initial assessment discussion will take place. This discussion will:

- Confirm details of the allegation (nature, content, context)
- Establish that the allegation is not demonstrably false and/or malicious
- Agree a course of action (including whether or not it is appropriate to inform the person against whom the allegation has been made and when/how this should be done and whether/ when/ how to inform the parents or carers of the child(ren) involved)

The LADO may ask the Case Manager to provide relevant additional information, e.g. previous history, whether the child or their family have made similar allegations previously, and the extent of the accused individual’s current contact with children. The LADO will seek advice

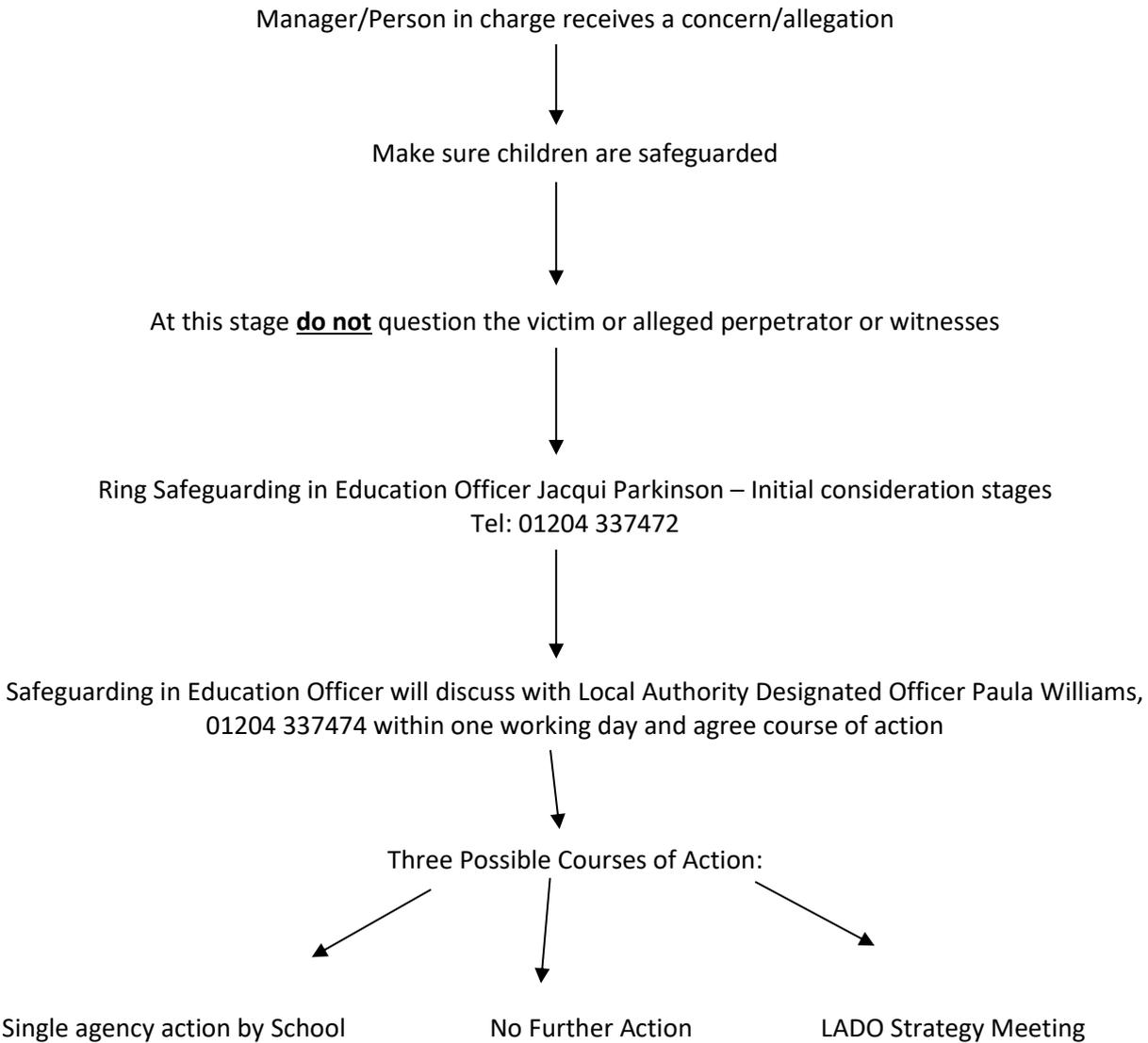
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<sup>1</sup> NB: The acronym “LADO” has been removed from KCSIE and Working Together (WT) from September 2018 in favour of “designated officer, or team of officers”, to indicate that LAs now have some discretion over their approach. Bolton Local Authority and therefore Bolton School, however, continue to use the acronym “LADO” for brevity. In some situations described in this policy, it will be the Safeguarding in Education Officer, rather than the LADO, who will act.

from the Children’s Services Department of the Local Authority and/or the Police where there is any likelihood that the threshold of significant harm has been reached.

It is in everyone’s interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. Target timescales set by the Bolton Children’s Services Department are shown below: 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. It is expected that 80 per cent of cases will be resolved within one month, 90 per cent within three months, and all but the most exceptional cases within 12 months.

**Flow Chart Showing Process in Bolton**



If the allegation is made about a member of staff or volunteer engaged at Patterdale Hall, rather than in Bolton, the Headmaster/Clerk and Treasurer or their Deputy will follow the procedure outlined by the Cumbria Safeguarding Partners. This procedure requires a report to be made to the LADO within one working day. Further details of the procedure in Cumbria can be found in Section F.

### **What Happens If No Further Action is Required, e.g. if the Allegation is Demonstrably False or Malicious?**

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken with regard to the individual facing the allegation or concern; in which case this decision and a justification for it will be recorded by both the Case Manager and the Local Authority Designated Officer and agreement reached on what information will be put in writing to the individual concerned and by whom.

If an allegation is to be classed as **malicious** there will be sufficient evidence available to disprove the allegation and that there has been a deliberate act to deceive. If an allegation is to be classed as **false**, there will be sufficient evidence to disprove the allegation.

It may be that it is established that the allegation is demonstrably false and/or malicious because

- It is known, without a doubt, that the allegation is untrue
- The alleged perpetrator was known not to be anywhere in the vicinity at that time
- The alleged perpetrator has been mis-identified

For those cases where it is clear immediately that the allegation is demonstrably false or malicious, the matter should be resolved as quickly as possible, preferably within one week. The Case Manager will then consider with the Local Authority Designated Officer what action should follow both in respect of the individual against whom the allegation has been made and those who made the initial allegation.

### **What Happens If Further Action is Required, i.e. Dealing with an allegation that is not immediately considered to be demonstrably false or malicious?**

If, in the initial consultation, the person reporting the matter and the LADO decide that it is ***probable, likely or possible*** that the alleged incident did occur and/or there is cause to suspect a child is suffering or is likely to suffer significant harm, an investigation will take place, the outcome of which will be to decide if the allegation is:

- ***substantiated, i.e. there is sufficient evidence to prove the allegation,***
- ***false, i.e. there is sufficient evidence to disprove the allegation,***
- ***malicious, i.e. there is sufficient evidence available to disprove the allegation and that there has been a deliberate act to deceive,***
- ***unfounded, i.e. there is no evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence, or***
- ***unsubstantiated, i.e. there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence.***

There are three strands to the investigation:

- Enquiries and assessment by Children's Social Care staff about whether the child is in need of protection or in need of services (a)
- Police consideration/investigation of a possible criminal offence (b)
- Potential disciplinary investigation and action by the Foundation (c)

- (a) If initial considerations, (including an initial consideration meeting if convened), establishes that the allegation meets the criteria, a formal Professional Strategy Meeting will be convened by the Children's Services Child Protection Unit on behalf of the LADO. Professionals from all relevant organisations, who can provide information in respect of the subject of the allegation or the alleged victim will be invited. The Case Manager will provide information about the circumstances or context of the allegation, and the child and member of staff/volunteer/contractor concerned. The purpose of the discussion will be to determine what action is required immediately to safeguard and promote the welfare of the child/children, and/or provide interim services and support. The actions agreed will be implemented and monitored by the relevant personnel.
- (b) In some circumstances, a Professional Strategy Meeting is not considered appropriate but a **Police investigation** is needed. In such cases, the LADO will contact the designated Police officer to discuss the allegation. The Case Manager will provide information about the circumstances or context of the allegation and the child and member of staff/volunteer/contractor concerned. The purpose of the discussion will be to determine whether a criminal offence may have been committed. If the outcome of the discussion is that a Police investigation is needed, the timing and conduct of that will be agreed. The joint evaluation will also consider whether there are matters which can be taken forward in a disciplinary process (in parallel with the criminal process), or whether any disciplinary investigation and/or other action will need to wait for completion of the Police enquiries and/or prosecution.
- (c) If it is clear from the Professional Strategy Meeting or initial evaluation that an investigation by Police and/or enquiries by Children's Social Care are not necessary, the Strategy Meeting will discuss next steps with the relevant representative from School. However, it might be clear from the initial evaluation that an investigation and/or enquiries are not necessary, in which case there will be no strategy meeting - there will just be a conversation between the LADO and the representative from the School. In these circumstances the **options open to the School** will depend on the nature and circumstances of the allegation and the evidence and information available. The School's initial investigation may determine that the allegation is false, malicious, unfounded or unsubstantiated, in which case the School's formal Disciplinary Procedure will not be instigated, however informal discussion or actions may be required.
- (d) If the outcome is substantiated, the School's formal Disciplinary Procedure may be instigated, and this could result in consequences up to and including summary dismissal (in line with the School's Disciplinary Procedure), or a decision not to use the person's services in the future. If a disciplinary hearing is required and can be held without further investigation, the hearing will normally be held within 7 working days of confirmation that the matter will proceed to a hearing. In some circumstances, the nature or complexity of the allegation may require an independent investigator; this will be arranged with the LADO. In the event that this is necessary, the arrangements for this will be agreed with the person against whom the allegation has been made and the matter will proceed using the School's Disciplinary Procedure.
- NB If the person against whom the allegation has been made is not a member of the Foundation's staff, the Foundation may need to act jointly with another organisation, e.g. if an allegation is made against a supply teacher provided by an employment

agency, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation. The Foundation and the other organisation concerned will need to cooperate in an investigation, and in reaching a decision about whether to continue to use the person's services, or to provide the person for work with children in future, and whether to report the person to the Disclosure and Barring Service (DBS). In these cases the LADO, will liaise with the investigators and advise those concerned.

### **Who is told what during these investigations?**

The Case Manager will **inform the member of staff/volunteer/contractor** about the allegation that has been made against them when and if this is appropriate, after consulting the LADO. The Case Manager will provide as much information as possible at that time, including an explanation of the likely course of action. However, where a Professional Strategy Meeting is needed (see below), or Police or Children's Social Care may need to be involved, the individual will not be informed about the allegation until those agencies have been consulted, and have agreed what information can be disclosed to the person.

In cases involving children in the **Early Years Foundation Stage**, i.e. in parts of Beech House, in the Nursery and/or at Kidzone, Ofsted will also be informed of any allegations of serious harm or abuse by any person working or looking after children at the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or any other abuse which is alleged to have taken place on the premises, and of the action taken in respect of the allegations. This will be done, as soon as is reasonably practicable, but at the latest within 14 days of a disclosure or suspicion of abuse. (Since 29th June 2018 local authorities in England have also been obliged to notify the national Child Safeguarding Practice Review Panel within 5 working days of becoming aware of a serious incident.)

If the subject of an allegation is a member of a **Trade Union or Professional Association**, s/he will be advised to contact that organisation at the outset. The subject of the allegation will also be given the name of a representative, appointed by the Case Manager, whose role it will be to keep them informed of the progress of the case and consider what other support is appropriate for the individual e.g. **welfare counselling or medical advice**. The subject of an allegation will be kept informed of both the progress of his/her case and, particularly if s/he is an employee who has been suspended, of current work-related issues. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

If the **parents/carers** of the child concerned are not already aware of the allegation, the LADO will discuss with those concerned how, and by whom, the parents/carers should be informed. In circumstances in which the Police or Children's Social Care may need to be involved, the LADO will consult those colleagues on how best to inform parents/carers. In some circumstances, however, the School may need to advise parents of an incident involving their child straight away, for example if the child has been injured whilst at School, or in a School-related activity, and requires medical treatment. Parents or carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process subject to the need to protect the rights of the person against whom the allegation was made. Parents and carers will also be made aware of the prohibition on reporting or publishing allegations about teachers (below).

When an allegation is made, the school will make every effort to **maintain confidentiality** and guard against unwanted publicity while an allegation is being investigated or considered. The Case Manager will take advice from the LADO/ Police/ Children's Social Care Services to decide who needs to know what and how to manage speculation, leaks and gossip, both within and outside the Foundation.

The Education Act 2011 **introduced reporting restrictions**, (from 1 October 2012) preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

### **When Might a Member of Staff Be Suspended?**

Any suspension of a member of staff will be dealt with in line with the Bolton School Disciplinary Policy and Procedures.

The Case Manager will consider carefully whether the circumstances warrant suspension from contact with children at the Foundation or until the allegation is resolved, and may wish to seek advice from the Personnel Manager and the LADO. In particular, the Foundation will consider suspension in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal. In cases where the Foundation is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the Foundation it will also be necessary to suspend that person from duty immediately, pending the findings of the Teaching Regulation Agency's investigation.

In cases where a strategy discussion or initial evaluation concludes that there should be enquiries by Children's Social Care and/or an investigation by the Police, or Strategy Meeting, the LADO will canvass police/social care staff views about whether the member of staff against whom the allegation has been made needs to be suspended from contact with children. This will assist the School when considering whether suspension is necessary and appropriate.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the Case Manager and the LADO. This will also include what alternatives to suspension have been considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched to the individual, normally within one working day, giving as much detail as appropriate of the reasons for the suspension, and giving the details of who the named contact within the Foundation will be.

If the Case Manager is concerned about the welfare of other children in the community or the individual's family, those concerns will be reported to the LADO or police, but suspension is highly unlikely to be justified on the basis of such concerns alone. In many cases an

investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the Case Manager will consider ways to avoid suspension based on an assessment of risk, including:

- redeployment within the Foundation so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying the individual to alternative work in the Foundation so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, whilst making it clear that this is not a punishment and ensuring that parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative section of the Foundation or place of work.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Case Manager will consider the potential permanent professional reputational damage to the employee that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

### **Section C: Possible Outcomes**

#### **Action following a criminal investigation or a prosecution**

The Police or the Crown Prosecution Service (CPS) will inform the School and the LADO as soon as a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In these circumstances, the LADO will discuss with the relevant member of School staff (or Chair of Governors, if appropriate) whether any further action, including disciplinary action is appropriate and, if so, how to proceed. The information provided by the Police and/or the Children's Social Care department will inform that decision. The options will depend on the circumstances of the case and the consideration will take account of the result of the Police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

#### **Action on Conclusion of a Case in which an Allegation is Substantiated**

If the allegation is substantiated, the Foundation is committed promptly to report to the Disclosure and Barring Service (DBS) any person, (whether employed, contracted, a volunteer or student) whose services are no longer used for regulated activity or whose services would no longer have been used had the person not left of his/her own accord, and the Disclosure and Barring Service referral criteria are met, as follows:

When the Foundation thinks a person has either:

- Harmed or poses a risk of harm to a child or vulnerable adult
- Has satisfied the harm test; or
- The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence and;

- The person they're referring is, has or might in future be working in regulated activity, or would have been removed from regulated activity if they had not left.

The DBS may consider it appropriate for the person to be added to a barred list. A member of the Personnel Department will complete the relevant forms and liaise further with the DBS as soon as possible and ordinarily on conclusion of an investigation, when a person is removed from working in regulated activity, including suspension and redeployment to work that is not regulated activity.

If a safeguarding issue also involves misconduct by a teacher or headteacher, a referral should be made to both the DBS and the Teaching Regulation Agency. The TRA and the DBS will consider the misconduct and safeguarding aspects of the case respectively and in parallel. If it is necessary to do this, a member of the Personnel Department will complete the relevant forms and liaise further with the DBS and the TRA if required. This will take place within 14 days of the person leaving the Foundation or his/her services no longer being used because he or she is considered to be unsuitable to work with children.

In cases involving children in the **Early Years Foundation Stage**, i.e. in parts of Beech House, in the Nursery and/or at Kidzone, Ofsted will have been informed of any allegations of serious harm or abuse by any person working or looking after children at the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or any other abuse which is alleged to have taken place on the premises within 14 days of a disclosure or suspicion of abuse. They will be kept up to date about action taken in respect of the allegations.

At the conclusion of a case in which an allegation is substantiated the LADO will review the circumstances of the case with the Case Manager to determine whether there are any improvements to be made to the Foundation's procedures or practice to help prevent similar events in the future. The Senior Officers will undertake an annual review of the School's policy and procedures relating to allegations of abuse, and how the duties of those responsible have been discharged. They will ensure that any deficiencies or weaknesses in the training provided for staff or in the Foundation's procedures will be remedied without delay.

#### **Action on Conclusion of a Case in which an Allegation is Unfounded or Unsubstantiated**

If an allegation is determined to be unfounded or unsubstantiated, the LADO will advise on a possible referral of the matter to Children's Social Care to determine whether the child concerned is in need of services, or may have been abused by someone else.

In cases where it is decided, on the conclusion of the case, that a member of staff who has been suspended can return to work, the Foundation will consider how best to facilitate this. Normally some help and support will be required and the Foundation will provide this. 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 Foundation will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still involved with the Foundation.

### **Action in Respect of False, Malicious, Unsubstantiated or Unfounded Allegations**

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Headmaster, Headmistress, Clerk & Treasurer or their deputy, will consider whether any disciplinary action is appropriate against the pupil who made it, and/or the Police will be asked to consider whether any action might be appropriate, including against the person responsible for the allegation if they were not a pupil. Where a parent or carer has made a deliberately invented or malicious allegation the Headmaster, Headmistress, Clerk and Treasurer or their deputy will consider whether to require that parent/ carer to withdraw their child/ children from the Foundation on the basis that they have treated the Foundation or a member of staff unreasonably.

### **How Will Records Be Kept Following an Allegation?**

Details of allegations that are found to have been malicious will be removed from personnel records. For all other allegations the Foundation will prepare a clear and comprehensive summary of the allegation(s) made, details of how the allegation was followed up (and resolved), and a note of any action taken and decisions reached. This will be kept on the (confidential) personnel file held for the member of staff concerned. A copy of this summary will be provided to the individual. The record will be used to provide accurate information in response to any future request for a reference if the member of staff moves on.

Allegations that are false, malicious, unfounded or unsubstantiated will not be referred to in employer references, even if explicitly asked for, unless they are required to be referred to in law. Instead, a statement will be included in the reference to say it is Bolton School's policy not to refer in references to allegations that are false, malicious, unfounded or unsubstantiated. Records kept will provide clarification in cases where a future criminal records disclosure reveals 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 will be retained indefinitely, in case at a later date the file is required by the Independent Inquiry into Child Sexual Abuse.

### **What to do if you wish to appeal to Bolton Council against a case conference decision**

Bolton Council have the following link to their appeal process:

[https://www.proceduresonline.com/bolton/asg/chapters/p\\_case\\_conf\\_sg.html#appealing](https://www.proceduresonline.com/bolton/asg/chapters/p_case_conf_sg.html#appealing)

### **What to do if you wish to appeal to Bolton School against an investigation into an allegation of abuse conducted by Bolton School as a single agency, where the School's disciplinary process has NOT been invoked**

The criteria under which an appeal can be made in such circumstances are:

- The safeguarding decision was unreasonable / unjustified based on the information and evidence available to the Case Manager;
- And/or the decision making process was in some way unfair or not objective;

- And/or the decision reached was made in the absence of information, key individuals or without due consideration of information available and this has impacted on the decision made.

If such a challenge is made it must first be made to the Clerk & Treasurer within 21 days of the date the decision was communicated and reasons provided for the challenge should be made in writing based on the above criteria.

The appellant must indicate which of the above appeal criteria they believe applies to the case in question explicitly stating the area of disagreement, whether the appeal relates to the conduct of the meeting or the basis on which the decisions were made. This must detail why they believe the decision of the Case Manager was incorrect, by making clear what alternative outcome is believed to be more appropriate, through identifying what evidence there is to support their view.

The Clerk & Treasurer will inform the Chair of Governors who will convene an appropriate Safeguarding Appeals Panel.

The Safeguarding Appeals Panel will consist of an appropriate Senior Officer and an Advising Officer. The Senior Officer will always be someone senior in authority to the person who took the original decision, neither member of the panel will have been involved in the original decision. If the Case Manager was a Senior Officer, then the Safeguarding Appeals Panel will consist of a Governor and an Advising Officer.

The panel will consider all relevant information that was considered by the original Case Manager, and any submissions from the person making the challenge. The panel will be convened within 20 working days of receipt of the appeal request wherever practicable.

The panel will consider whether the appeal should be upheld or not, and consider any appropriate action such as issuing an alternative outcome.

The panel will write to the person making the appeal to explain the outcome of the appeal within 5 working days of the meeting.

The appeal meeting decision finalises Bolton School's Safeguarding appeal process.

An appellant who continues to be dissatisfied with the outcome of the above process could choose to seek legal advice.

**What to do if you wish to appeal to Bolton School against an investigation into an allegation of abuse conducted by Bolton School as a single agency, where the School's disciplinary process HAS been invoked**

In cases where the School's disciplinary process has been invoked, you should follow the steps laid out in the School's disciplinary policy and procedure if you wish to challenge decisions made in that process.

## **Resignations and Settlement Agreements**

The fact that a member of staff tenders his/her resignation, or ceases to provide his/her services will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made by the School to reach a conclusion in all cases of allegations bearing on the safety or welfare of a child/children, including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person against whom the allegation has been made will be given a full opportunity to answer the allegation and to make representations about it. The process of recording the allegation and any supporting evidence, and reaching a decision about whether it can be regarded as substantiated (on the basis of all the information available) will continue, even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in these circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but the Foundation will endeavour to reach and record a conclusion in each case.

The Foundation will not use a Settlement Agreement (by which the employment relationship is brought to an end in a mutually agreed way, and both parties may agree a form of words to be used in any future reference), in these cases. In the rare event that the use of a settlement agreement is considered, following legal advice, to be the most appropriate line of action to take, in order to terminate the individual's employment at the Foundation, the wording of any such testimonial will be purely factual, i.e. will confirm that a person worked for the Foundation between certain dates. If a request for a reference is solicited from a potential future employer following the individual's departure from the Foundation, the agreed written testimonial will be followed up with a phone call to the individual requesting the reference. The use of a settlement agreement will not, in any case prevent a thorough police investigation where that is appropriate and it cannot override the statutory duty to make a referral to the Children's Barred List where circumstances require that.

## **Section D: Useful Telephone Contact Numbers**

How to Contact the Headmaster/ Headmistress/ Clerk and Treasurer and their Deputies:

- Boys' Division: The Headmaster on 01204 840201 extension 204, or, in his absence, the Deputy Head (Pastoral) on 01204 840201 extension 211. (During the School holidays and out of school hours, the Headmaster's contact number is 07824 645810.)
- Girls' Division, including Beech House, the Nursery and The Nursery Class: The Headmistress on 01204 840201 extension 212 or, in her absence, the Deputy Headmistress on 01204 840201 extension 214. (During the School holidays and out of school hours, the Headmistress's contact number is 07557 747005.)
- Central Services and BSSL (including Kidzone but excluding Patterdale Hall): The Clerk and Treasurer on 01204 840201 extension 205 or, in her absence, the Services Bursar on 01204 840201 extension 418.
- Patterdale Hall: The Headmaster on 01204 840201 extension 204, or, in his absence, the Clerk & Treasurer on 01204 840201 extension 205. (During the School holidays and out of school hours, the Headmaster's contact number is 07824 645810.)

The Local Authority Designated Officer for Bolton is Paula Williams. Paula can be contacted on 01204 337474, or by email at [paula.williams@bolton.gov.uk](mailto:paula.williams@bolton.gov.uk)

The Safeguarding in Education Officer from the Bolton Local Authority is Jacqui Parkinson. Jacqui is the nominated person for the education sector and can be contacted on 01204 337472, or by email at [jacqueline.parkinson@bolton.gov.uk](mailto:jacqueline.parkinson@bolton.gov.uk)

Other Contact Numbers include:

The Multi Agency Screening and Safeguarding Service (MASSS), based at the Castle Hill Centre, Castleton Street, Bolton BL2 2JW can be contacted on the following number: **01204 331500**

Safeguarding Teams, Farnworth Town Hall, Market Street, Farnworth, BL4 7PD

Team 1 – 01204 337432

Team 2 – 01204 337433

Team 3 – 01204 335523

Emergency Duty Social Worker on 01204 337777 between 6pm and 8.45am and weekends

Integrated Working Team 01204 331394 or email at [boltonISA@bolton.gov.uk](mailto:boltonISA@bolton.gov.uk)

The Child Protection Unit, 1<sup>st</sup> Floor, Westhoughton Town Hall, Market Street, Westhoughton, Bolton BL5 1AW. Telephone 01204 337468

Police - Access to all local offices 0161 872 5050

NSPCC 24 hours 7 days 0808 800 5000

NSPCC Whistle Blowing Advice Line 8am to 8pm Monday to Friday 0800 028 0285

NSPCC [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or text 88858

Childline 24 hours 7 days 0800 1111

Bolton Safeguarding Partner's Website: [www.boltonsafeguardingchildren.org.uk](http://www.boltonsafeguardingchildren.org.uk)

For full guidelines on honour-based abuse, FGM and the law please visit the Home Office website. Anyone with concerns is asked to contact police on 101 or Crimestoppers anonymously on 0800 555111.

Greater Manchester Safeguarding Partner's Procedures Manual can be accessed at:

<http://greatermanchesterscb.proceduresonline.com/>

Contact Numbers for Patterdale Hall in Cumbria are included in Appendix 1.

Bolton Safeguarding Children Board Guidance for staff who are the subject of an allegation:

<https://www.boltonsafeguardingchildren.org.uk/downloads/file/133/when-you-are-the-subject-of-an-allegation>

Bolton Safeguarding Children Board Guidance for parents of children who have made an allegation:

<https://www.boltonsafeguardingchildren.org.uk/downloads/file/137/when-your-child-makes-an-allegation>

## **Section E: What Happens Immediately After You have Passed Your Concern/Allegation On?**

### **EYFS Setting (Beech House, Kidzone or the Nursery)**

Registered EYFS providers (i.e. Nursery/ Kidzone/ parts of Beech House) must inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers must also notify Ofsted of the actions taken in respect of the allegations. Providers must also notify Ofsted of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises, where childcare is provided. This will be done, as soon as is reasonably practicable, but at the latest within 14 days of a disclosure or suspicion of abuse.

In addition, within one working day, the LADO must be informed where a person who works with children has:

- Behaved in a way that has harmed or may harm a child
- Possibly committed a criminal offence against, or related to, a child; or
- Behaved towards a child/ren in a way that indicates s/he may pose a risk of harm if they work regularly and closely with children.

(NB Since 29th June 2018 local authorities in England have also been obliged to notify the national Child Safeguarding Practice Review Panel within 5 working days of becoming aware of a serious incident.)

### **Patterdale Hall**

If the allegation is made about a member of staff employed at Patterdale Hall, rather than in Bolton, the Headmaster (or the Clerk & Treasurer or Deputy) will normally be the Case Manager and will follow the procedure outlined by the Cumbria Safeguarding Partners. This procedure can be found here:

[http://cumbrialscb.proceduresonline.com/chapters/p\\_alleg\\_against\\_staff.html](http://cumbrialscb.proceduresonline.com/chapters/p_alleg_against_staff.html)

Under the further information section of the procedure an “Allegations Management Procedure Flowchart” can be found. The LADO can be contacted on 01768 812276 or email at [lado@cumbria.gov.uk](mailto:lado@cumbria.gov.uk) LADO working hours are Monday to Thursday 9am to 5pm and Friday 9am to 4.30pm. In case of emergency outside of the above hours, the Case Manager would contact the Emergency Duty Team on 0333 240 1727.

The procedure requires an Allegations Notification Form to be completed and sent to the LADO within one working day. The form can be found at the following link:

<http://www.cumbrialscb.com/elibrary/Content/Internet/537/6683/6687/6755/4168713469.docx>

## **Appendix 1: How Should Adults in the Foundation Behave to Ensure that their Conduct Does not Give Rise to Concern?**

In an educational setting, there are inevitable challenges for staff, volunteers and contractors in dealing with children and young people, some of whom may be particularly vulnerable. All staff, volunteers and contractors should understand clearly the need to maintain appropriate boundaries in their dealings with young people. Children must be treated with dignity and respect and no punishment/ detention/ restraint/ sanctions or rewards are allowed outside those detailed in the relevant setting's Behaviour Management and/or Rewards and Sanctions Policies. Inappropriate behaviour with, or towards children is unacceptable. Guidance and instruction contained in the Foundation's Behaviour Policy for Staff, Volunteers, Contractors and Other Adults, the Employee Handbook, and in documents produced by the various Foundation settings (e.g. in a particular School, in the Nursery and in Kidzone) should be followed in order to safeguard all members of the Foundation community.

Staff, volunteers and contractors must be particularly careful with regard to the following issues:

- Applying restraint to a child, which must always be done in accordance with legislation and guidance (see Annexe 1: 'Advice for Staff on Using Reasonable Force' as well as specific guidance in the different Foundation settings);
- Supporting children with first aid, medical, toileting and personal needs (see separate Foundation and setting policies);
- Removing with the minimum level of reasonable forces potentially dangerous items from a child's possession (see Annexe 2 entitled 'Protocol for Searching a Child without Parental Permission');
- Deciding on the appropriateness or otherwise of making physical contact with a child: e.g. when shepherding a child from one person to another, it may be appropriate to place a hand on a child's back or shoulder, depending on the child's age and the context; e.g. when comforting a child, it may be appropriate to place a sympathetic hand on a child's arm, shoulder or back, again depending on the child's age and the context; e.g. it may be appropriate to secure a child's attention by tapping him or her gently on the shoulder, again considering the context of the moment;
- The dangers and risks associated with electronic communication;
- The dangers and risks associated with sharing personal information, including contact details and social networking information with children and young people;
- Any actions that single out a pupil for special attention and could therefore be interpreted as 'grooming' a pupil (or a child who is or was linked to the Foundation in some way);
- Behaving in a way which a child or young person might perceive to be threatening or bullying;
- Behaving in a way which a child or young person might perceive as ridiculing or mocking them;

It must also be noted that, under the Sexual Offences Act 2003 it is an offence for a person over 18 (e.g. teacher, or any other member of staff or volunteer) to have a sexual relationship with or in the presence of a child under 18, or to cause or incite the child to engage in or watch sexual activity, where that person is in a position of trust in respect of that child, even if the relationship/activity is consensual. This applies where the child is in full-time education and the person works in the same establishment as the child, even if they do not teach the child.

It also applies in situations where the child has used the facilities of the Foundation, for example Patterdale Hall, and that member of staff is, or has been, in a position of trust in respect of that child; again, even if the relationship/activity is consensual.

### **Annexe 1: Advice for Staff on Using 'Reasonable Force'**

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. The Education and Inspections Act 2006 enables school staff, (teachers, and support staff authorised by the Headmistress or Headmaster), to use "such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do" any of the following: committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil), causing personal injury to any person (including the pupil themselves), causing damage to the property of any person (including the pupils own property), and prejudicing the maintenance of good order and discipline at the school, and among any pupils receiving education at the school, whether during a teaching session or otherwise.

'Reasonable in the circumstances' means using no more force than is needed. The decision on whether to intervene physically is down to the professional judgement of the teacher/ member of the support staff concerned. Teachers/ members of the support staff are not obliged to intervene physically to restrain or control a child. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. Force should only be used when necessary to resolve the incident: this should be the minimum force required, lasting for the shortest practicable time - the purpose should be restraint and the reduction of risk. Factors influencing a member of staff's judgement about the appropriateness of the use of force include: the seriousness of the incident, assessed by the effect of the injury, damage or disorder that is likely to result if force is not used, the chances of achieving the desired result by other means, whether a reasonable adjustment in approach is required because a child has a special educational need or disability, and the relative risks associated with physical intervention compared with using other strategies.

Force is usually used either to control or restrain. **Control** means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom. **Restraint** means to hold back physically, or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention. Members of staff can therefore use reasonable force to: remove disruptive children from the classroom where they have refused to follow an instruction to do so, prevent a pupil behaving in a way that disrupts a school event or a school trip or visit, prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others, prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground, restrain a pupil at risk of harming themselves through physical outbursts. They cannot: use force as a punishment - it is always unlawful to use force as a punishment, or strike blows or retaliate against pupils.

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips. Where a member of staff has acted within the law – that is,

they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

It is good practice for schools to speak to parents whenever a serious incident has occurred involving the use of force. In deciding what a serious incident is, teachers should use their professional judgement and also consider the following: the pupil's behaviour and level of risk presented at the time of the incident, the degree of force used, the effect on the pupil or member of staff, and the child's age.

If a complaint should arise about the use of force, this should be dealt with thoroughly, speedily and appropriately investigated in line with Bolton's 'First Five Minutes' Policy. When a complaint is made, the onus is on the person making the complaint to prove that his/her allegations are true. It will always be considered whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against him/her.

### **Annexe 2: Protocol for Searching a Child without Parental Consent**

The school does not require parental consent to search for and confiscate the following items: weapons, e.g. knives, alcohol, illegal drugs, stolen goods, tobacco products, e.g. cigarettes, pornographic images, (of any kind, e.g. tabloid topless pictures and 'lads' mags' as well as extreme adult material), fireworks, anything that has been, or is likely to be used to cause injury or commit an offence, anything banned in the relevant school's or setting's rules and regulations.

There should normally be two members of staff present during the search - the person doing the search and the search witness. Searches should normally be done and witnessed by someone the same sex as the child. A child must not be asked to remove clothes, other than outer clothing like a coat.

If there is a risk of serious harm to a person if the search is not conducted immediately, a child may be searched by a person of the opposite sex and without another member of staff present.