



## Allegations Management Policy

Incorporating:

- Managing Historic Allegations of Child Abuse

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# **ALLEGATIONS MANAGEMENT POLICY**

(This policy is based on Somerset Safeguarding Children Board (SSCB) procedures and advice, which, in turn, follows guidance set out in *Keeping Children Safe in Education*, DfE, May 2016.)

## **1. Introduction**

This policy provides guidance for managing allegations in respect of all cases in which it is alleged that a member of staff or volunteer working within Christ Church C of E First School and Nursery has:

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

As a Christian learning community we take seriously our responsibility to protect children from abuse and neglect. We are committed to ensuring that all children at Christ Church are free to experience “life in all its fullness” (John 10:10) as healthy, happy, confident, socially responsible, well-educated individuals. We recognise that for all children to flourish all adults in school must first share a commitment to Safeguarding and promoting the welfare of each and every child, irrespective of sex, age, disability, race, religion or belief, sexual identity or social status.

## **2. Legislation and guidance**

The Headteacher and Governing Body take seriously their duties to safeguard and promote the well-being of children and to work together with other agencies to ensure adequate arrangements are put in place to identify, assess, refer and support those children who are, or are at risk of, suffering harm. All action is taken in line with the following legislation/guidance:

- Childcare Act 2006
- Childcare (Disqualification) Regulations 2009
- Children Act 1989
- Children Act 2004 (Section 11)
- Education Act 2002 (Sections 157 and 175)
- Education (Independent School Standards) (England) Regulations 2010

Relevant publications:

- *Keeping children safe in education* (DfE, September 2016)
- *Working together to safeguard children* (DfE, March 2015)

## **3. Managing allegations, disclosures or concerns**

Allegations by a child or young person about a current or past staff member or volunteer must not go unrecorded or unreported. Any and all allegations should be

reported **straight away**, to:

- the Designated Safeguarding Lead (DSL) (**Rupert Kaye**), and/or
- one of the Deputy Child Protection Officers (CPOs) (**Ali Bowden** or **Katy Tennant**), and
- the Local Authority Designated Officer (LADO) (**Anthony Goble**) via Somerset Direct on 0300 1232224.

In the case of an allegation of historic abuse, see sections 4 and 22, below.

If the allegation concerns the Headteacher/DSL, the member of staff/volunteer making the allegation must either contact the Chair of Governors or the LADO directly.

If contacted with regard to an allegation against the Headteacher, the Chair of Governors will follow the Somerset County Council (the LA) *Guidance for Chairs of Governors Dealing with Child Protection Allegations against the Headteacher* and will contact the LADO (**Anthony Goble**) via Somerset Direct on 0300 1232224.

If a disclosure about an adult colleague is received, it is important to reassure the child that what she/he says will be taken very seriously and everything possible done to help. If you are in the room when a child or young person begins to disclose concerns to another person, you should stay unobtrusively in the background. You may be able to support/witness what has been said if required.

**The school recognises that it is an agent of referral and not of investigation.**

The school is legally obliged to make a referral to the Disclosure and Barring Service if at the end of the allegation process a member of staff or volunteer is removed from their position, or if they leave while under investigation for allegedly causing harm or posing a risk of harm to children.

#### **4. Historical abuse**

Historical abuse (also known as non-recent abuse) is an allegation of neglect, physical, sexual or emotional abuse made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old. (For more information, see section 22, below.)

The Police should be informed about allegations of crime at the earliest opportunity. Any reports of historic abuse made to Avon and Somerset Police must be to the Safeguarding Coordination Unit on 01823 349037.

#### **5. Key points**

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

- In response to an allegation, staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.
- Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.
- Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the Police if there are grounds for believing a criminal offence may have been committed).

## **6. Duties as an employer and employee**

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

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

## **7. Initial considerations**

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above at all, or may do so without warranting consideration of a Police investigation or enquiries by LA children's services. In these cases, local arrangements should be followed to resolve cases quickly and without delay.

Some rare allegations will be so serious as to require immediate intervention by the LA's social care services and/or Police. The LADO should be informed of all allegations that come to a school's attention and appear to meet the criteria so that she/he can consult the Police and LA children's social care services as appropriate.

The LADO may ask a school's DSL, Deputy CPO or other senior manager to provide or obtain any additional information which may be relevant, such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the manager and the LADO, and agreement reached as to what information

should be put in writing to the individual concerned and by whom. The manager should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

The DSL should inform the accused person about the allegation as soon as possible after consulting the LADO. She/he should provide them with as much information as possible at the time. However, where a strategy discussion is needed, or the Police or LA's social care services need to be involved, the DSL should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved.

**Suspension should not be the default position – an individual should only be suspended if there is no reasonable alternative.** (Please see section 15, below, for further information on suspension.)

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.56 of *Working together to safeguard children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the Police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the Police or LA children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the DSL or Chair of Governors. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the DSL and Chair of Governors how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff. However, in other circumstances lack of appropriate resources within the school, or the nature or complexity of the allegation, will require an independent investigator.

## **8. Supporting those involved**

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for

the individual is key to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the LA social care services or the Police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The school should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools, that may include support via the LA occupational health or employee welfare arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.

**Social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.**

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or the Police or LA children's social care services need to be involved, the DSL should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. They should 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. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, LA social care, or the Police as appropriate, should consider what support the child or children involved may need.

## **9. Confidentiality**

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the National Police Chiefs Council (NPCC) guidance, the Police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the Police might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.)

Schools should take advice from the LADO, Police and LA social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared.
- How to manage speculation, leaks and gossip.
- What if any information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if and when it should arise.

#### 10. Resignations and “compromise agreements”

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those 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 it is important to reach and record a conclusion wherever possible.

By the same token so called “compromise agreements”, by which a person agrees to resign if the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, **must not be used in these cases**. In any event, 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 Disclosure and Barring Service (DBS) where circumstances require that.

#### 11. Record keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on 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, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal 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 resurfaces 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 the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

## **12. References**

Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated or malicious should also not be included in any reference.

## **13. Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must be investigated as a priority so as to avoid any delay. Target timescales are shown below for different actions in the summary description of the process. 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 should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unfounded or malicious, then it is expected that they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher or principal should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## **14. Oversight and monitoring**

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The designated LA officer(s) will provide advice and guidance to the school, in addition to liaising with the Police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case. Police forces should also identify officers who will be responsible for:

- liaising with the designated LA officer(s);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a Police investigation;
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a Police investigation is required, the Police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to charge the individual, continue to investigate, or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## **15. Suspension**

Suspension should only be considered in a case where there is cause to suspect a child or other children at the school is or are at risk of significant harm, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. Schools must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved, and may wish to seek advice from their personnel adviser.

Schools should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will, however, depend upon the nature of the allegation.

Schools should consider the potential permanent professional reputational damage to teachers that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.

LA children's social care services or the Police cannot require a school to suspend a member of staff or a volunteer, although schools should give appropriate weight to their advice.

Where a strategy discussion or initial evaluation concludes that there should be enquiries by the LA social care services and/or an investigation by the Police, the LADO should canvass Police and the LA children's social care services for views about whether the accused member of staff needs to be suspended from contact with children, and then inform the school.

At Christ Church, the Governing Body has the power to suspend a member of staff or volunteer.

**16. Information sharing**

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Wherever possible, the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This should be done as their investigation proceeds and will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.

The LA's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the school without delay.

**17. Action following a criminal investigation or a prosecution**

The Police or the CPS should inform the school and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the LADO should discuss with the Headteacher, principal and Chair of Governors or proprietor whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the Police and/or the LA social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to 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.

**18. Action on conclusion of a case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the school and its personnel adviser whether a referral to the DBS for consideration of inclusion on the barred lists as required. 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. Professional misconduct cases should be referred to the relevant regulatory body. The DBS will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments. Local authorities, schools 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.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very 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 school 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 pupils at the school.

#### **19. Learning lessons**

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Headteacher or principal, or the Chair of Governors, chair of the management committee or proprietor to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.

#### **20. Action in respect of unfounded or malicious allegations**

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to the LA children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the Headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil who made it, or the Police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil. In September 2010 the CPS published guidance for the Police on harassment under the Protection from Harassment Act 1997.

## **21. Managing historic allegations of child abuse and neglect**

Any reports of historic abuse made to Avon and Somerset Police must be to the Safeguarding Coordination Unit on 01823 349037.

### **21.1 Late reporting**

Many child abuse allegations are not reported until years after the offences were committed. There are many valid reasons why late reporting is common. For example:

- fear of not being believed;
- ongoing contact with the perpetrator;
- threats made by the perpetrator;
- lack of understanding about the abuse they experienced;
- inability to adequately communicate the abuse due to their developmental stage;
- culture or language barriers.

Before work is undertaken with individuals, staff members have a responsibility to advise them of certain disclosures which they may have to report. This is part of their duty to safeguard children. This duty may include sharing confidential information without the adult's permission. Written information detailing staff responsibilities to share confidential information should also be provided to the individual.

The guidelines set out below should also be used for children who are not yet 18 years old, and have made a disclosure of historic abuse from earlier in their childhood.

### **21.2 Duties and responsibilities**

Christ Church C of E First School has a statutory responsibility to make arrangements to safeguard and promote the welfare of children and young people.

This responsibility includes a duty to report to Children's Social Care, via Somerset Direct on 0300 1232224, any beliefs or suspicions that a child may be suffering, or is likely to suffer, significant harm.

Christ Church staff must also ensure that there is an appropriate response when adults disclose abuse that they experienced as a child because:

- there is a significant likelihood that a person who abused a child in the past will have continued to do so, and may still be abusing children;
- a criminal prosecution may be possible if sufficient evidence can be obtained.

All new staff to Christ Church will be informed how they can access this policy during their induction programme.

All staff within Christ Church should be familiar with the procedures detailed in this document and of other related policies. This will be assured through induction, supervision and appraisal.

All new staff to Christ Church will be informed how they can access this policy during their induction programme.

All staff who receive a disclosure from an adult or child regarding historic child abuse or neglect allegations must follow this policy and consider the current whereabouts of the alleged offender and their likely contact with children. Support to the individual making the disclosure must also be offered.

All staff must act in the best interests of the adult or child involved. A child's welfare is paramount. If there are concerns about the safety or welfare of a child, a member of staff must always do something, even if that is sharing concerns with a supervisor or manager who has greater knowledge and experience in relation to child protection. **Doing nothing is NOT an option.**

All staff must in the first instance seek advice or consultation to clarify and evaluate the nature of the allegation.

Internally, advice can be sought from:

- the Designated Safeguarding Lead (**Rupert Kaye**), and/or
- one of the Deputy Child Protection Officers (**Ali Bowden** or **Katy Tennant**)

Externally, advice can be sought from:

- the Local Authority Designated Officer (**Anthony Goble**) via Somerset Direct on 0300 1232224
- Children's Social Care via Somerset Direct on 0300 1232224
- Somerset SCB Coordinator: 01823 357868
- Police Safeguarding Coordination Unit: 01278 644584

### **21.3 Initial staff response to new historic abuse allegations**

As soon as it is apparent that an individual is revealing details of new childhood abuse allegations, the member of staff must record what is said by the person and the responses made by that staff member.

All records must be dated and signed in accordance with Christ Church recording guidance. It is not appropriate for staff to "investigate" the allegations or ask probing questions prior to involvement of the Police and other statutory agencies. Any information recorded in the professional or agency records may be used as Police or court evidence.

If possible, the alleged perpetrator's recent or current whereabouts should be determined and if they have any contact with children. This will include gathering

information such as the alleged perpetrator's full name, address, date of birth, place of work, responsibility for children and whether the abuse had previously been investigated, and if so by whom.

The individual making the disclosure should be asked whether they want to make a complaint that may lead to a Police investigation and to a criminal prosecution. Contact will be made with the Police as appropriate. In any case, the Police will need to be notified and may take action.

Consideration must also be given to the support needs of the individual, who should be reassured that all reasonable efforts will be made to investigate what they have reported. All assessments should be documented in the professional record. Individuals must also be made aware that insufficient disclosure of information may result in no action being taken against the perpetrator, which could leave children at risk of harm.

#### **21.4 Supporting the individual making a disclosure**

When information is obtained that gives rise to a reasonable suspicion that a child or children are currently at risk of abuse and neglect, a member of staff has a duty to act by discussing the case with the DSL or Deputy CPO or, in their absence, another senior leader in school. It is that person's responsibility to contact Children's Social Care and the Police.

In these circumstances all efforts should be made to empower the individual to be positive in making the disclosure, or agreeing to the sharing of information, although there are circumstances when the member of staff will have to act even without the individual's consent.

When it is not clear as to whether any children are currently at risk or the identity of the alleged abuser(s) is unclear, the case should still be discussed with the Designated Person or a manager. It may be possible to work with the individual over a period of time to empower them to reveal or remember more details and so proceed with a formal disclosure.

Staff should be aware that disclosure of historic abuse allegations made to the Police or Children's Social Care, and the subsequent actions taken, may place the individual making the disclosure at risk of self-harm, retaliation, criticism or estrangement from their family.

The need to safeguard the individual making the disclosure, and protect their wish for confidentiality, must be weighed against the likelihood of preventing future harm. These decisions are challenging and complex, and should always be discussed with the Designated Person, a manager or Children's Social Care (via Somerset Direct) when there is any doubt as to how to proceed. The outcomes of any discussions must be recorded, together with any resulting agreed actions.

## **21.5 Making a formal complaint to the Police**

These cases should be discussed with the Designated Person or a manager.

The Police should be informed about allegations of crime at the earliest opportunity. Any reports of historic abuse made to Avon and Somerset Police must be to the Safeguarding Coordination Unit on 01823 349037. Staff may wish to help facilitate this process for the victim by being present in an initial telephone call with the Police.

Any Police involvement in an investigation will depend on a number of factors, which will take into account the wishes of the individual making the disclosure and the protection of the public. People who have made disclosures must be advised that the Police will be unlikely to bring any prosecution if they are unwilling to speak to them or to make a formal complaint.

Christ Church staff can contact the Police themselves to ask for advice on what action to take. The Police will provide guidance on what information is required in order for the complaint to be investigated.

The Police will share the information with Children's Social Care in order to determine the next steps and to also establish if there is any information available regarding the alleged perpetrator, and the likely risk to children currently having contact with them.

If the individual does not wish to make a formal complaint to the Police for investigation and possible prosecution, they must be informed that the member of staff may still need to share the information with Children's Social Care to

establish if there is any knowledge regarding the alleged perpetrator's current contact with children.

The member of staff should share the allegations with Children's Social Care via Somerset Direct on 0300 1232224. Somerset Direct can be contacted for consultation and discussion, prior to making a formal referral should this be required.

Individuals making referrals to Somerset Direct can do so in confidence if they wish. However, they should be warned that it is still a possibility that the perpetrator will know who has made the complaint.

## **21.6 Historic abuse allegations that have been previously disclosed and investigated where the alleged perpetrator is thought to be deceased**

Staff should not assume that because abuse has previously been disclosed and investigated, it discounts the possibility of a child being currently at risk. The nature of previous investigations and criminal proceedings should be discussed

with the individual making the disclosure so that they can be fully aware of what the implications of this may be.

The possibility that any children are currently at risk should be considered with the individual and the results of these discussions must be recorded.

In many circumstances, where allegations have already been disclosed and investigated and there is no evidence of any current risk to children, whether further action is needed should be discussed with the Designated Person if there is any doubt surrounding current safeguarding issues.

When the alleged perpetrator is deceased, staff should still consider whether any others involved in the alleged abuse may still present a safeguarding risk. The results of these considerations must be recorded.

## **22. Further information**

The CPS published guidance for the Police on harassment under the Protection from Harassment Act 1997. This can be found at:

[http://www.cps.gov.uk/legal/s\\_to\\_u/stalking\\_and\\_harassment/index.html](http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/index.html)

The Information Commissioner's Office (ICO) guidance on employment records in its *Employment Practices Code: Supplementary Guidance*, which provides some practical advice on employment retention:

[https://ico.org.uk/media/for-organisations/documents/1066/employment\\_practice\\_code\\_supplementary\\_guidance.pdf](https://ico.org.uk/media/for-organisations/documents/1066/employment_practice_code_supplementary_guidance.pdf)

See also the ICO's online 'Guide to data protection' at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Guidance on how to make a referral to the DBS is at:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>