



**London Borough  
of Hounslow**

**HOUNSLOW COUNCIL CHILD  
PROTECTION PROCEDURES  
FOR DEALING WITH  
ALLEGATIONS AGAINST TEACHING AND  
OTHER STAFF**

Procedures for Schools, Early Years Settings and Education  
Establishments and Services within the Hounslow Local Authority  
Children's Services and Lifelong Learning (CSLL) Department

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## 1. Definitions of Terms Used in This Document

- 1.1 **Abuse** – There are four categories of abuse. They are: physical abuse, sexual abuse, emotional abuse and neglect.
- 1.2 **Adult** – Any adult, paid or volunteer, who works in a Hounslow school, Education establishment/service or Early Years setting (including Children’s Centres).
- 1.3 **CAIT** – Child Abuse Investigation Team. (A specialist unit within the police to deal with child abuse.)
- 1.4 **Child** – a person who is under 18 years of age.
- 1.5 **CSLL** – Children’s Services and Lifelong Learning. (Combines Children’s Social Care with what was formerly known as the Local Education Authority. Where the term is used to denote a function or functions that were previously carried out by the LEA specifically, the word ‘Education’ will appear in brackets e.g. ‘CSLL (Education)’).
- 1.6 **Children’s Social Care** – Formerly known as Children and Families Division within Social Services
- 1.7 **Designated Governor for Child Protection** – The member of the Governing Body of a school who has responsibility for liaising with the Headteacher or CSLL over matters relating to the protection of the children registered at the school and to allegations against members of staff.
- 1.8 **Designated Person for Child Protection** – The senior member of staff within a school, Education establishment/service or Early Years setting who has overall responsibility for child protection issues.
- 1.9 **Disclosure** – When a child or young person communicates that he/she has been/is being abused by another person(s).
- 1.10 **Headteacher** – The Headteacher of a school or Pupil Referral Unit (PRU).
- 1.11 **HR** – Human Resources. (A senior officer within Hounslow Council HR has been given designated responsibility for child protection.)
- 1.12 **Intake Team** – The service within Children’s Social Care that receives and assesses referrals relating to child abuse.
- 1.13 **Independent Safeguarding Authority (ISA)** – The national body to whom people who work with children should be referred where there are questions about their suitability to work with children.
- 1.14 **LA** – The Local Authority. In the context of this guidance, ‘The Local Authority’ predominantly means ‘Children’s Services and Lifelong Learning’ (CSLL). There may be instances, however, where the term refers to other Departments or service areas within the Council.
- 1.15 **LADO (Education)/Local Authority Designated Officer for Education** – The Lead Officer within Children’s Services and Lifelong Learning who has

overall responsibility for child protection and safeguarding in schools and Education establishments, liaising with and advising Headteachers, Governors, members of senior staff, the Police, Children's Social Care and senior managers from HR on all matters relating to allegations of child abuse/safeguarding practice concerns relating to adults within schools and Education settings.

- 1.16 **Safeguarding Adviser (Children's Social Care)** – Social work manager (based centrally in the Safeguarding and Review Team) who chairs strategy meetings and gives advice. The Safeguarding Adviser also acts as the LADO for Children's Social Care.
- 1.17 **Safeguarding Adviser (Education)** also known as the **LADO (Education)**.
- 1.18 **Strategy Discussion/Meeting** – A discussion or meeting of relevant multi-agency professionals, including the Police/the Police Child Abuse Investigation Team, Social Work managers/social workers, the Education LADO and a Safeguarding Adviser (Children's Social Care) and either the Headteacher, Chair of Governors or Head of Service, to discuss and share information relating to allegations, plan action to be taken (with timescales) and, where necessary, seek legal advice.
- 1.19 For ease of reading, intermittently throughout this document, the term 'school' is used to incorporate also Early Years settings, non-school Education establishments and services, and colleges of Further Education.
- 1.20 Although the document refers by and large throughout to 'Headteachers/Managers', in instances where an allegation has been made against a Headteacher, the term 'Headteacher' should be taken to mean 'Chair of Governors'.
- 1.21 This guidance makes an assumption that the Designated Governor for Child Protection is the Chair of Governors (although there is no statutory requirement for this to be the case.)

## 2. Introduction

2.1 The purpose of this document is to provide guidance to schools, other Children's Services and Lifelong Learning staff and Early Years settings regarding the management and investigation of allegations of child abuse made against staff employed within their establishment.

2.2 The document integrates the relevant sections of:

- The Joint N.E.O.S.T/Teacher Unions guidance issued in October 2002
- The Education Act 2002
- The Children Act 2004
- Department for Children, Schools and Families Guidance: Safeguarding Children and Safer Recruitment in Education (2006)
- London Child Protection Procedures (2010)
- Department for Children, Schools and Families 2007: The Use of Force to Control or Restrain Pupils.
- Department for Children, Schools and Families Guidance: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (2010).

It should be read in conjunction with the main London Borough of Hounslow Child Protection Procedures for Schools, Early Years Settings and Education Establishments, which apply to all staff in schools and other Education establishments/services within Hounslow who have access to children and young people.



# **Part One**

General Guidelines on Managing a  
Child Abuse Allegation



## **PART ONE: General Guidelines on Managing a Child Abuse Allegation**

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### **3. General Principles of Good Practice in Child Protection Within Education, Early Years and Other Establishments**

- 3.1 These procedures are relevant for the purposes of section 175 of the Education Act 2002 and section 11 of The Children Act 2004, which place a duty on organisations and people who work with children and young people to safeguard and promote the welfare of the children and young people with whom they work with.
- 3.2 When a child or young person attends an Education establishment or is involved in an educational activity outside of an Education establishment, the staff of the establishment are **in loco parentis**. This means they have a duty to act within the remit of their role as any responsible parent would act to ensure the safety and welfare of the children or young people in their care.
- 3.3 Ensuring the safety and welfare of children and young people includes following appropriate guidance and procedures.
- 3.4 This particular guidance is about managing cases of allegations of child abuse made against staff and volunteers who work with children and young people in schools and Education settings.
- 3.5 It should be used in respect of all cases in which it is alleged that a teacher, member of staff or volunteer has:
- behaved in a way that has harmed or may have harmed a child
  - possibly committed a criminal offence against or in relation to a child
  - behaved towards a child or children in a way that indicates that s/he is unsuitable to work with children.
- 3.6 All schools, Early Years settings and Education establishments should have procedures in place for dealing with allegations of child abuse so that all staff and volunteers know what to do and who to contact if they receive an allegation against another staff member or have a concern themselves about the behaviour of another member of staff.
- 3.7 LA staff who visit schools (e.g. Education Welfare Officers, Educational Psychologists, advisory and support services staff, youth workers and therapists) may, in the course of their work, become aware of indicators of child abuse or neglect, or may receive allegations of abuse relating to staff or volunteers who work in a school/ Education establishment. All LA staff should know there is a duty on them to make an immediate referral of their concerns; and they should know to whom their concerns should be referred.
- 3.8 It is imperative that all involved in receiving an allegation maintain an open and enquiring mind, and that accurate written records are maintained.

- 3.9 Any allegation of abuse made against a teacher or other member of staff or volunteer in a school, Early Years setting or other Education establishment should be dealt with fairly, quickly and consistently in a way that provides effective protection for the child/children and at the same time supports the person who is the subject of the allegation.
- 3.10 It is essential that all involved in dealing with an allegation act in a manner and with speed that is commensurate with the nature and level of concern regarding the allegation.
- 3.11 Whilst the welfare of the child must remain paramount, over-hasty or ill-judged decisions should be guarded against, however.
- 3.12 All parties involved in an allegation, including the child and his/her family, should be reassured that the responsible officers will act in a careful, measured way and will follow procedures.
- 3.13 All adults within schools, Early Years settings, other Education establishments or services should understand that, in the eyes of the law, they are invested with trust and authority. They should be mindful at all times of the remit of their particular role and should be aware that, because of their regular contact with children and young people, they may be vulnerable to accusations of abuse.<sup>1</sup>
- 3.14 Measures should be put in place in these establishments to help staff protect themselves from having a child protection allegation or a safeguarding practice concern made against them.

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<sup>1</sup> Guidance for individuals who have had an allegation of abuse made against them is available at Appendix F. See *“Information for Education Staff who are Facing an Allegation of Abuse (Maintained Schools, Early Years and Education Settings) April 2011”*.

#### **4. Scope of These Procedures**

These procedures refer to those occasions when an allegation of abuse is made against a member of staff in schools or Education settings, including Early Years and FE college settings and other central services in CSLL with an Education function.

Allegations may be made against a member of staff in the context of their work **or** in the context of their personal life.

The procedures apply:

- 4.1 Where there are allegations of abuse on the part of a person who works with children in either a paid or unpaid capacity (i.e. an employee or volunteer in an Education or Early Years establishment).
- 4.2 When it is discovered that an individual known to have been involved previously in child abuse is or has been working with children.
- 4.3 When an allegation or suspicion arises in connection with an individual's work, with his/her own children or in relation to other children.

#### **Allegations against staff in their personal lives**

- 4.4 If an allegation about abuse or neglect of a child is made relating to the conduct of a member of staff outside of his/her work role, the principles and procedures detailed in this document still apply.

#### **5. How Allegations Might be Made**

- 5.1 Allegations may be direct allegations or indirect allegations. They may be made a child/children or they may be made by adults independently of or on behalf of a child/children.
- 5.2 A child might disclose abuse in a variety of ways. E.g. verbal disclosure, written word, pictorial representation or through changes in behaviour. The disclosure might take place on one specific occasion or over a period of time.
- 5.3 A child will generally make his/her disclosure to a person he/she trusts and feels comfortable with. This could be a member of his/her family or a friend, but it could also be to a member of staff in school, a governor, a member of CSLL staff or the Police.
- 5.4 An allegation may be made by a child who himself/herself is the victim of the alleged abuse; **or** it may be made by another child reporting abuse that he/she has been told about or has witnessed.
- 5.5 However a child or young person chooses to communicate his/her concerns, any child who reports to a member of staff in a school/Education setting that a member of staff has abused a child must be listened to and heard.

- 5.6 As with children, any adult who makes an allegation or expresses a safeguarding concern against a member of staff (e.g. a parent/carer, another staff member or volunteer), must be listened to and heard.
- 5.7 It should be borne in mind that allegations may be made through the medium of technology. This could be in social networking site conversations, in text messages, via distribution of digital images on computers or mobile phones, and so on.) In whatever form they may be made – direct or indirect - allegations are allegations and **must** be taken heed of.

## **6. How to Respond to a Child When S/he is Disclosing an Allegation of Abuse**

- 6.1 Children need to know that they will be listened to and that their concerns will be taken seriously.
- 6.2 Schools, Early Years settings and other Education establishments should routinely demonstrate to children that they provide them with a safe environment where it is ok to talk about their concerns. (Use of displays and information provided in places readily accessed by children can help provide assurance about this and also encourage children to share concerns.)
- 6.3 It is essential that all staff and volunteers in a school, Early Years setting or other Education establishment know how to respond sensitively to a child's concerns, know who to approach for advice about the concerns and understand the importance of not guaranteeing complete confidentiality to a child who is expressing child protection concerns.
- 6.4 Staff/volunteers should also understand that the way in which they talk to a child who discloses abuse could have an effect on the evidence that is put forward if there are subsequent proceedings. Staff should therefore be on their guard against 'contaminating the evidence'.
- 6.5 The following points give guidance on how to respond to a child who makes an allegation:
- Any member of staff or volunteer who is approached by a child wanting to talk should listen positively and reassure the child.
  - The child should be listened to but not interviewed or asked to repeat the account. ("Listened to" means just that!)
  - Care should be taken not to make assumptions about what the child is saying or to make interpretations.
  - It is important that staff do not jump to conclusions, ask leading questions or put words in the child's mouth.

- On no account should suggestions be made to the child as to alternative explanations for his/her worries.
- The child should not be interrupted when recalling significant events.
- All information should be recorded carefully as soon as possible after the child (or parent/other person on behalf of a child) has spoken, including details such as timing, setting, who was present and what was said. The account should be recorded verbatim or as near as possible verbatim in accordance with what was actually said.
- The account should distinguish clearly between fact, observation, allegation and opinion.
- The written record of the allegation should be signed and dated by the person who received the allegation and action should be taken in accordance with the establishment's child protection/management of allegations procedures.
- All actions subsequently taken should also be recorded.

6.6 Staff should be aware that:

- It is not the responsibility of teachers or other staff or volunteers in Education to investigate suspected cases of abuse.
- Staff/volunteers should not take any action beyond that agreed in the establishment's procedures.
- Staff/volunteers cannot promise a child (or a reporting adult) complete confidentiality. They must explain to the child (or reporting adult) that they may need to pass information to other professionals to help keep the child in question, or other children, safe.

6.7 In responding to a child who makes an allegation, account should be taken of the age and understanding of the child and whether the child or others may be at risk of significant harm.

6.8 When appropriate, the child (or reporting adult) should be reassured that the matter will be disclosed only to people who need to know about it.

## 7. How To Deal With an Allegation Made Against a Member of Staff – Initial Action to be Taken by the Person Receiving the Allegation

- 7.1 A member of staff receiving an allegation of abuse against **another member of staff** should report this immediately to the Headteacher/Manager and/or the Designated Person for Child Protection - unless the person against whom the allegation is made is the Headteacher/Manager.

(See Flowchart One at Appendix A for dealing with allegations made against staff or volunteers.)

- 7.2 If the subject of the allegation or concern is the **Manager of a service area or establishment that is not a school**, the member of staff receiving the allegation should report the concern to the LADO (Education) or to a relevant more senior manager in the service area/establishment concerned (e.g. Assistant Director for the service area). The LADO (Education) and the more senior service area Manager will discuss the allegation/concern.

- 7.3 If the subject of an allegation or concern is **the Headteacher of a school**, the member of staff receiving the allegation should report this immediately to the Designated Governor (who is, ideally, the Chair of Governors), who will contact the LADO (Education).

- 7.4 If the Designated Governor/Chair of Governors cannot be contacted immediately, the member of staff should contact the LADO (Education).

If the LADO (Education) is not available and the concern requires urgent immediate attention in order to protect children and safeguard their immediate welfare, alternative sources of contact are the LADO (Children's Social Care) or the Intake Team Duty Social Worker or Manager in the local Children's Social Care office. Children's Social Care staff will subsequently liaise with the LADO (Education).

(See Flowchart Two at Appendix B for dealing with allegations made against Headteachers.)

- 7.5 If the member of staff who is the subject of an allegation or concern is **employed by the school through an agency**, discussion should be had with the LADO (Education) before the staff member is told of the allegation or contact is made with the employing agency.

(See Flowchart Three at Appendix C for dealing with allegations against staff employed by an agency.)

- 7.6 Staff must not make their own judgements about the merit of an allegation and decide not to pass the information on.

- 7.7 Staff must understand that they have a duty to share all information about child abuse or possible child abuse with the relevant person(s). (The act of reporting an allegation does not imply that there is any substance in the allegation.)

- 7.8 Any member of staff who believes that allegations or suspicions that have been reported to their Headteacher, Manager or Designated Governor/Chair of Governors are not being investigated properly has a responsibility to report this to the LADO (Education).

## 8. Action to be Taken by the Headteacher/Manager

- 8.1 **On no account should the Headteacher/Manager at this stage attempt to inform, discuss, interview or otherwise seek to obtain a statement from either the child/children or from the person against whom the allegation has been made.** (To do so would risk contamination and could jeopardise any external investigation that may need to be made.)
- 8.2 Once an allegation of abuse has been received by the Headteacher/Manager, he/she should establish **only** the following:
- that an allegation has been made
  - the general nature of the allegation
  - where and when the incident is alleged to have occurred
  - who is involved
  - any other persons present.
- 8.3 The Headteacher/Manager should then consult, without delay, the LADO (Education)).
- 8.4 In the absence of the LADO (Education), advice may be sought from the LADO (Children's Social Care), the Duty Social Worker or Manager at the local Children's Social Care office or from the Designated Lead in HR. Where advice is sought from one of these other persons, the allegation must still be brought to the attention of the LADO (Education).

## 9. Initial Assessment of an Allegation

- 9.1 There may be up to three strands in the consideration of an allegation:
- A police investigation of a possible criminal offence
  - Enquiries and assessment by Children's Social Care regarding whether a child is in need of protection or in need of services
  - Consideration by the school/establishment of disciplinary action in respect of the individual.
- 9.2 Some cases will need reporting to the Independent Safeguarding Authority (ISA) for consideration of the adult of concern being placed on the ISA barred

list. They may also need to be brought to the attention of a professional body or regulator (e.g. General Teaching Council, General Social Care Council, General Medical Council, Ofsted, etc.)

- 9.3 Referrals to the ISA/professional bodies or regulators should be done in consultation with the LADO (Education).
- 9.4 Where a teacher has been referred to the ISA, the General Teaching Council (GTC) must be notified.<sup>2</sup>
- 9.5 It is important to ensure that even allegations that appear not to be serious are seen to be taken seriously and followed up, and that they are examined objectively by someone independent of the school/Education establishment concerned.
- 9.6 Consequently, the LADO (Education) should be informed of all allegations that come to the school's/establishment's attention so that s/he can consult Children's Social Care /the Police, as appropriate.
- 9.7 The initial discussion between the Headteacher/Manager and the LADO (Education) will assess the nature and seriousness of the allegation and the circumstances in which it was made.
- 9.8 The discussion will also consider whether there is evidence or information that establishes that the allegation is demonstrably false or unfounded.
- 9.9 This will determine whether or not a referral will need to be made to Children's Social Care and/or the Police.

## **10. The Referral Process**

- 10.1 If an allegation is not patently false and there is cause to suspect that a child (or children) is suffering or is likely to suffer significant harm<sup>3</sup>, the LADO (Education) will immediately refer to Children's Social Care.
- 10.2 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, a strategy discussion/meeting should be convened by Children's Social Care in accordance with Appendix 5 of 'Working Together to Safeguard Children' (2010)/The London Child Protection Procedures (2010).

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<sup>2</sup> Whilst at the time of writing there is a requirement to notify the GTC of referrals of teachers to the ISA, there are plans on the part of the Government to abolish the GTC.

<sup>3</sup> (There are no absolute criteria for what constitutes significant harm. Consideration of the severity of the ill treatment may include the degree and extent of physical harm, the duration and frequency of abuse and neglect, the extent of premeditation, and the presence or degree of threat, coercion, sadism and bizarre or unusual elements.)

10.3 If there is not cause to suspect that significant harm is an issue but that a criminal offence might have been committed, the LADO (Education) will inform the Police, who will decide whether a police investigation is needed. The Police will liaise with Children's Social Care and a strategy meeting may be convened.

10.4 Where the initial assessment decides that the allegation does not involve either significant harm/risk of significant harm to a child or a possible criminal offence, the case will be for the employer to deal with.

10.5 **Case for the employer to deal with**

If the nature of the allegation does not require formal disciplinary action, the Headteacher/Manager should instigate appropriate action **within three working days**.

10.6 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

10.7 Where further investigation is required to inform consideration of disciplinary action, the Headteacher/Manager and HR should discuss who will undertake that investigation with the LADO (Education). The person undertaking the investigation should aim to produce a report to the employer **within 10 working days**.

10.8 **Within two working days** of receipt of the report of the disciplinary investigation, the Headteacher/Manager (or Chair of Governors if the Headteacher is the subject of the investigation) should consult the LADO (Education) and decide whether a disciplinary hearing is needed.

10.9 If a disciplinary hearing is needed, it should be held **within 15 working days**.

10.10 **Case for the employer to deal with: case subject to Children's Social Care enquiries**

When considering disciplinary action, in any case where Children's Social Care have undertaken enquiries to determine whether the child or children are in need of protection, any information that is relevant to a disciplinary case should be passed to the employer by Children's Social Care and account taken of this by the employer in the disciplinary process.

10.11 The LADO (Education) will liaise with the school/establishment to monitor the case and provide advice or support when required or requested.

10.12 **Case for the employer to deal with: case subject to Police investigation**

If a criminal investigation is required, the Police should aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation. Wherever possible, a review of progress should take place no later than four weeks after the initial action meeting.

10.13 If the decision is for the Police to continue to investigate the allegation, dates for subsequent review should be set.

10.14 If the Police or Crown Prosecution Service (CPS) decide not to charge the individual with an offence or decide to administer a caution, or the person is acquitted by a court, wherever possible, the Police should aim to pass all information they have which may be relevant to a disciplinary case to the employer within three working days of the decision. The LADO (Education) should be kept informed.

10.15 If the person is convicted of an offence, the Police should inform the employer straight away so that appropriate action can be taken. The LADO (Education) should be kept informed.

10.16 The LADO (Education) will liaise with the school/establishment to monitor the case and provide advice or support when required or requested.

10.17 **Referral to the Independent Safeguarding Authority<sup>4</sup>**

If, on conclusion of the case, the school/establishment ceases to use the person's services, or the person ceases to provide his/her services, the school/establishment should consult the LADO (Education) about whether a referral to the ISA is appropriate. If a referral is appropriate, the report should be made **within one month**.

10.18 **Record Keeping/Disclosing Child Protection Concerns or Allegations in Future References**

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached is kept on a person's confidential file and a copy provided to the person concerned. The purpose of the record

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<sup>4</sup> The ISA only considers referrals that are related to safeguarding children in the workplace. Where there are other forms of misconduct not related to safeguarding children in the workplace, these cases should be referred, as appropriate, to the relevant regulatory body e.g. GTC.

is to enable accurate information to be given in response to any future request for a reference if the person moves/has moved on.<sup>5</sup>

The record will provide clarification in cases where a future CRB Disclosure reveals information from the Police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

10.19 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.

## **11. The Multi-Agency Strategy Meeting/Discussion**

11.1 If a strategy meeting is proposed, it will be arranged by a Children's Social Care manager to take place in as short a time as possible. This should be preferably within 1 day and ideally no more than 3 days of the details of the allegation being received.

11.2 The meeting will comprise some or all of the following staff:

- A manager from Children's Social Care (to chair the meeting)
- A relevant social worker
- A member of the Police Child Abuse Investigation Team (CAIT)
- The LADO (Education)
- A senior staff member representative from the school/Education establishment. (Where the allegation is against a Headteacher, the representative from the school will be the Chair of Governors.)
- A senior HR officer
- It may also be appropriate to invite representatives from the Health Authority and Children's Social Care to whom the child is known
- If the child lives in another Authority, it would be appropriate to invite a representative from the Children's Social Care Department of that Authority.

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<sup>5</sup> The government are reviewing the national guidance on dealing with allegations against teachers and other staff, in particular the reporting of malicious or unfounded allegations in references. National and local procedures may need to be amended in the light of the consultation outcomes.

- 11.3 The purpose of the meeting is to discuss the allegation made, share relevant information relating to the adult and child concerned and determine whether the threshold for investigation is met.
- 11.4 The meeting will conclude whether:
- enquiries will be made by Children's Social Care under local child protection procedures
  - the Police will commence investigation into a possible criminal offence
  - the matter should be dealt with under the school's/ establishment's/employer's disciplinary procedures
  - there is to be no further action.
- 11.5 If the meeting concludes that there is to be **no further action**, this decision must be explained in a detailed written record, which should be discussed with the member of staff against whom the allegation was made.

## 12. Action Following Decision to Follow Child Protection Enquiries

- 12.1 The multi-agency strategy meeting will plan the conduct of any enquiries/investigation.
- 12.2 The strategy meeting will balance the welfare of the child (which must remain paramount) and the interests of the accused member of staff.
- 12.3 The Police, as part of a strategy discussion, may decide that their investigation would be hindered by an early approach to parties involved in the allegation (e.g. parents/carers of the child; staff member accused). The Headteacher/Manager/LADO (Education) must ensure, therefore, that there is no objection by the Police before contacting any of the involved parties,.
- 12.4 Subject to there being no objection to contacting the involved parties, the Headteacher/Manager should:
- (a) Inform the child, children or parent making the allegation and explain the likely course of action
  - (b) Ensure the parents of the child who is the alleged victim have been informed that an allegation has been made and the likely course of action
  - (c) Inform the member of staff against whom the allegation is made and explain the likely course of action
  - (d) Inform the Designated Governor/Chair of Governors, maintaining confidentiality of identity, as appropriate.

- 12.5 Where the Police object to the action outlined in (a)-(d) above, the Headteacher/Manager/Chair of Governors should **not** contact the involved parties until it has been agreed with the Police and/or Children's Social Care what can be disclosed to them, when and by whom.
- 12.6 Consideration will need to be given as part of the strategy discussion as to whether suspension of the member of staff involved is appropriate. The following criteria should form part of that consideration:
- Whether the child (or children) is at risk of significant harm
  - Whether the allegation warrants investigation by the Police and the conduct of the investigation can proceed unimpeded by the continuing presence at work of the member of staff
  - Whether the allegations are so serious that dismissal for gross misconduct is possible.
- 12.7 In principle, suspension should not be undertaken without good reason; and a person must not be suspended automatically. The employer should consider whether the result that would be achieved by suspension could be achieved by alternative arrangements.
- 12.8 The power to suspend a member of school staff or volunteer is vested in the Headteacher or Governing Body. Neither CSLL/HR, the Police nor Children's Social Care can require a Headteacher or Governing Body to suspend - although the views of these agencies should be canvassed and should inform the establishment's consideration of suspension.
- 12.9 The power to suspend a member of staff who is centrally employed or otherwise not directly employed by a school - e.g. central service staff and staff employed in Early Years settings - is vested in the LA or employing body.
- 12.10 Where a Headteacher/Manager ceases to use the services of a contracted individual or a person not directly employed by themselves, the Headteacher/Manager should notify the LADO (Education) to discuss the circumstances relating to that decision.
- 12.11 The LADO (Education) will consider any additional safeguarding actions that may be necessary, including, in consultation with the investigating authorities, the point at which it would be appropriate to liaise with the contracted individual's employer. (Liaising with a contracted individual's employer without prior consultation could 'contaminate the evidence' or otherwise prejudice any investigation that may need to be conducted by the Police/Children's Social Care. It is important for schools and Education establishments to safeguard against potential criticism that witnesses may have been prompted by staff who are inexperienced in Child Protection Procedures.)
- 12.12 External agency investigation (i.e. Police or Children's Social Care investigation) will take priority over any internal investigation by the

school/Education establishment. Schools/employers, therefore, should not conduct their own internal investigation until it has been deemed by the multi-agency partners to be appropriate to do so.

12.13 Any police interviews will be arranged to take place away from the school/establishment premises and to occur at reasonable times.

12.14 A written record of the action taken under this section must be made by the Headteacher/Manager (or Designated Governor/Chair of Governors if the subject of the investigation is the Headteacher).

# **Part Two**

Background Advice and information in  
Dealing with an Allegation Made  
Against a Member of Staff



## **PART TWO: Background Advice and information in Dealing with an Allegation Made Against a Member of Staff**

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### **13. Preventative work that can be undertaken to support staff in understanding their position of trust**

It is important that all adults who work with children and young people understand that the nature of their work and the responsibilities related to it place them in a '**position of trust**' in the eyes of the law.

In September 2002, NEOST and the teacher unions issued joint guidance on "Preventing Abuse of Trust" for teachers, Education staff and volunteers.

Hounslow LA has issued Safeguarding Conduct Guidelines for Teachers to assist schools in maintaining high standards in their relationships with their pupils.

(See Appendix F.)

Hounslow LA has also issued a Code of Conduct to all LA employees.

(See Appendix G.)

Additionally, in November 2007, the DCSF 'Allegations Management Advisers' issued "*Guidance for Safer Working Practice for Adults Who Work With Children and Young People*". This guidance document complements existing professional guidance and procedures, and provides advice on appropriate and safe behaviours for all adults who work with children or young people in paid or unpaid capacities.

It is recommended that all schools and establishments provide their staff and volunteers with a **written code of conduct and guidance on safer working practice**. This will assist adults who work with children and young people to work safely and responsibly, and to monitor their own standards and practice. It will also support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken. It will reduce the incidence of positions of trust being abused or misused and will minimise the risk of misplaced or malicious allegations being made against adults who work with children and young people.

All staff and volunteers should have access to **appropriate training** on child protection and safeguarding the welfare of children and young people, and should receive regular refresher training to keep their knowledge and skills up to date.

#### 14. The process of dealing with an allegation made against a member of staff

The process of dealing with an allegation made against a member of staff can be very difficult for all parties involved. Any allegation must be taken seriously and dealt with promptly. Some accusations will be false and unfounded, but some allegations will be true.

Procedures need to be applied with common sense and judgement.

Some allegations will be so serious as to warrant immediate referral to Children's Social Care and the Police for investigation; others may be much less serious and at first sight might not seem to warrant consideration of investigation by these agencies.

It is important, however, to ensure that even less serious allegations are seen to be followed up and that they are examined objectively by someone independent of the school/establishment.

Consequently, **the LADO (Education) should be informed of all allegations that come to the Headteacher's/Manager's attention** so that s/he can consult with Children's Social Care and/or Police colleagues as appropriate. Ideally, this should be done within one working day of the allegation coming to light.

(Headteachers/Managers should be aware that responsibility for the management and oversight of cases of allegations pertaining to child abuse or safeguarding practice concerns in schools and Education establishments rests with the LADO (Education) and not, as is the case with non-child protection/safeguarding concerns, with HR. The function of HR in dealing with allegations of a child protection/safeguarding nature is to offer advice and support as requested in relation to any internal disciplinary procedures that may need to be considered after the initial child protection or criminal investigation considerations have taken place.)

It is important that Headteachers/Managers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years from the allegation having been made, whichever is the longer.

The purpose of the record is to enable accurate information to be given in response to future reference requests<sup>6</sup> and to provide clarification where a future CRB

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<sup>6</sup> *It should be noted that the government are reviewing the national guidance on dealing with allegations against teachers and other staff, in particular the reporting of malicious or unfounded allegations in references. National and local procedures may need to be amended in the light of the consultation outcomes.*

Disclosure reveals information from the Police that an allegation was made but did not result in a prosecution or a conviction. The record will also prevent unnecessary re-investigation in cases where an allegation resurfaces after a period of time.

### **Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. 'Working Together to Safeguard Children' and 'Safeguarding Children and Safer Recruitment in Education' state that it is reasonable to expect that 80% of cases should be resolved within 1 month, 90% within 3 months and all but the most exceptional cases should be completed within 12 months.

The time taken to resolve individual cases will depend on a variety of factors, including the nature, seriousness and complexity of the allegation.

### **Supporting Those Involved**

The parents/carers of a child involved in an allegation should be told about the allegation as soon as is practicably possible if they do not already know about it. When the parents/carers are told should be subject to a prior discussion with the LADO (Education) and/or Children's Social Care/the Police.

Parents/carers should also be kept informed of the progress of the case and of the outcome where there is not a criminal prosecution.

The Headteacher/Manager should also inform the accused person about the allegation as soon as is possible after consulting the LADO (Education). Where a strategy meeting/discussion is needed, the person should not be told until Social Care/the Police have been consulted and have agreed what information can be disclosed, by whom and when.

The accused person should be kept informed of the progress of the case and provided with appropriate support whilst the case is ongoing.

### **Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered/investigated.

### **Resignation and Compromise Agreements**

The fact that a person tenders his/her resignation, or ceases to provide his/her services during investigation of the allegation, must not prevent an allegation being followed up in accordance with these allegations procedures.

It is important that every effort is made to reach a conclusion in every case of an allegation that bears on the safety or well-being of children, including any allegation in which the person concerned refuses to co-operate with the process.

Wherever possible, the person alleged against should be given full opportunity to answer the allegation and make representations about it. Where this cannot be done, or the person refuses to co-operate, the process of recording the allegation and any supporting evidence, and of reaching a judgement about whether the allegation can be regarded as substantiated on the basis of the information available, should continue. It is important to reach and record a conclusion wherever possible.

## **Suspension**

The possibility of risk of harm to children posed by an accused person needs to be effectively evaluated and managed, both with regard to the child or children involved in the allegation and with regard to any other children in the person's work, home or community life.

In dealing with an allegation against a member of staff, therefore, a decision will need to be made whether to suspend the member of staff in question or not. The Headteacher/Manager will need to consider very carefully whether the circumstances of the case warrant a person being suspended from contact with children until the allegation is resolved.

Although suspension is a neutral act and is intended as a safeguard for both the child making the accusation/other children and for the member of staff concerned, it is inevitably distressing for the accused person. An innocent member of staff who is subject to a lengthy period of suspension and investigation faces a serious ordeal, which can result in long term damage to that person's health and/or career. There may be anxiety on his/her part that colleagues will interpret the act of suspension as an indicator of presumed guilt. The nature of such allegations can make it very difficult for a member of staff to return to work when an investigation has concluded.

As well as being a traumatic experience for the person concerned, the suspension of a member of staff can also have a significant impact on the wider school/establishment community. This will also need careful consideration.

Employers have a duty of care towards their staff. Any member of staff facing an allegation needs to have confidence that he/she will be dealt with in a careful and measured way.

Suspension should not be undertaken without good reason. The 'Safeguarding Children and Safer Recruitment in Education' (2006) guidance and 'Working Together' (2010) guidance both indicate that, wherever possible, suspension should be avoided and should not be seen as an automatic response. Consideration should be given to a range of suitable, safe alternatives to suspension.

In considering the possible alternatives, there will be a need to take into account the seriousness and plausibility of the allegation, the risk of harm to the pupil concerned, or to other pupils, and the possibilities of tampering with evidence, as well as the interests of the person concerned and of the school/establishment.

The general policy on suspension is contained in the schools' or Hounslow Council's Disciplinary Procedures. The guidance in this document supplements these procedures.



# **Part Three**

The procedures to be followed in  
Dealing with an Allegation made  
Against a Member of Staff

(Suspension and Disciplinary  
Procedures)



## **15. Considering Whether Suspension is Appropriate**

- 15.1 The provisions for any suspension of school-based staff are set out in The School Staffing (England) Regulations 2003.
- 15.2 The provisions for suspension of Hounslow Council staff are set out in the Council's Disciplinary Proceedings.
- 15.3 General decisions on suspension are taken by Headteachers or the Governing Body in schools and by senior managers in consultation with HR in regard to staff employed by the LA.
- 15.4 All decisions relating to suspension for child protection/safeguarding concerns, however, should be made in consultation with the LADO (Education).
- 15.5 Where the initial evaluation discussion suggests, or a strategy discussion concludes, that there should be enquiries made or investigation undertaken by Children's Social Care and/or the Police, the LADO (Education) should canvass the views of Children's Social Care and the Police to inform the Headteacher's/Manager's/Chair of Governor's consideration of suspension.
- 15.6 In a school, neither the Local Authority (including CSLL staff) nor the Police can require a Headteacher or Chair of Governors to suspend a member of staff or a volunteer. The power to suspend rests with the respective employer alone.
- 15.7 Action taken by a Chair of Governors of a school in relation to a Headteacher must be reported to the full Governing Body.
- 15.8 Suspension of a Headteacher may only be ended by the Governing Body or Committee with delegated authority.
- 15.9 Suspension of a member of staff or volunteer may be considered at any stage of an investigation.
- 15.10 Suspension is a neutral act, not a disciplinary sanction, and will be on full pay.
- 15.11 Paid leave of absence, mutual agreement to refrain from work, alternative duties/locations or removal from contact with pupils may all be used as an alternative to suspension.
- 15.12 Suspension should not be undertaken without good reason.
- 15.13 Circumstances in which suspension properly occurs include:

- Where a child (or children) is at risk
- Where the allegations are so serious that dismissal for gross misconduct is possible
- Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

15.14 The decision to suspend a member of staff should only be taken in the context of a strategy discussion.

15.15 If suspension is to take place, the Headteacher/Manager or Chair of Governors will be supported in this action by the LADO (Education) and an HR representative.

15.16 The member of staff who is the subject of suspension should be advised to seek the advice of his/her trade union or professional organisation before commencing an interview with the Headteacher/Manager.

15.17 If the member of staff is employed by the school/establishment through an agency, the Director of the agency must be informed, in writing, of the concerns of the multi-agency strategy discussion/meeting and of the decision to suspend the employment of the member of staff at the school/establishment.

(See Flowchart Three at page 1.)

## **16. How to Conduct the Interview to Consider Suspension of a Member of Staff**

16.1 Where suspension is being considered, an interview with the staff member concerned should be arranged in consultation with the LADO (Education) and HR.<sup>7</sup>

16.2 In certain circumstances, suspension may be directed pending an interview taking place as soon as is reasonably possible. (This may happen, for example, when there would otherwise be an inappropriate delay in being able to consider suspension if a trade union representative was not immediately available to accompany the member of staff at the interview.)

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<sup>7</sup> In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it should be established that the action being taken is not an attack on the functions of a trade union.

- 16.3 Where the Police are involved in a possible criminal investigation, no interview arranged where suspension is being considered should be conducted without prior consultation with the police officer in charge of the case. (The Police determine what information can be passed to the member of staff involved and when.)
- 16.4 Where there is no Police involvement, an interview should be arranged in accordance with the following procedures:
- When called to an interview where suspension is a possible outcome, the member of staff should be advised to seek the advice and assistance of his or her trade union. A person who is not a member of a trade union may be assisted by a work colleague. The member of staff, where accompanied, should be offered the opportunity of a brief meeting with the union representative or work colleague before the interview.
  - The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear that **the interview is not a formal disciplinary hearing** but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
  - The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with any investigation about the allegation.
  - The interview is not concerned with examination of the evidence. It is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given and the reasons for any proposed suspension explained. A brief adjournment should be offered to the member of staff prior to response.
  - If, as a result of the interview, it is considered by the Headteacher/ Manager that suspension is necessary pending a full investigation of the allegation, the individual should be advised that he/she is suspended from duty. Written confirmation of the suspension should be dispatched within one working day, giving reasons for the suspension.

## **17. What Follows a Decision to Suspend Pending Investigation**

- 17.1 Where a member of staff has been suspended, the Chair of Governors, LADO (Education) and senior HR staff should be informed of the suspension formally in writing. (A copy of the suspension letter would be suffice.)
- 17.2 Where the Headteacher is suspended, the Chair of Governors should inform the LADO (Education) and Director of Children's Services and Lifelong Learning.
- 17.3 In all cases of the suspension of a member of staff in a school, a report should be made to the Governing Body that a member of staff has been suspended pending investigation. Confidentiality relating to the identity of the staff member should be maintained.
- 17.4 It is inadvisable to provide more than the minimum information necessary to the Governing Body, as more than this would prejudice Governors' impartiality in any subsequent hearing or appeal in the disciplinary proceedings.
- 17.5 Where the Headteacher has been suspended, the implications for the management of the school will need to be considered, including the arrangements for an Acting Headteacher.
- 17.6 Where the Manager in an Early Years establishment has been suspended, the implications for the management of the establishment will need to be considered, including the arrangements for an Acting Manager.
- 17.7 The parent of a pupil who makes an allegation should be confidentially informed of the suspension, but only in that so far as to do so is consistent with wider child protection considerations.
- 17.8 In respect of paragraphs 17.9, 17.11, and 17.13, below, additional guidance should be sought from the LADO (Education) or, where relevant and appropriate, from Children's Social Care or the Police.
- 17.9 Some senior teachers/senior staff members in a school/Early Years establishment may need to know of the reason for a staff member's suspension. They should be informed only in so far as is necessary in the particular circumstances. (Information is on a 'needs to know' basis.)
- 17.10 The Headteacher/Acting Headteacher/Manager should take a decision on informing other staff colleagues of the suspension.
- 17.11 The Headteacher/Acting Headteacher/Manager should discuss with the LADO (Education) - and, where appropriate, the Designated Governor/Chair of Governors - the extent to which it is necessary to make a statement to the

parents of children generally in the school/establishment, having considered the need to avoid unwelcome publicity.

- 17.12 It is advisable that the Headteacher and Designated Governor/Chair of Governors consult with the LADO (Education) with regard to writing statements to parents generally.
- 17.13 In certain circumstances, it may be necessary for the Headteacher/Acting Headteacher/Manager (in conjunction with the Designated Governor/Chair of Governors) to provide immediate reassurance to parents and children in the school/establishment.
- 17.14 There may also be a need for information to continue to be provided to parents, children and other colleagues during the course of an investigation.
- 17.15 It is advisable to maintain consultation with the LADO (Education) on the matter of communication.
- 17.16 In cases that may attract media attention, the Director of Children's Services and Lifelong Learning should be fully informed.
- 17.17 Regular internal discussion/strategy meetings should be held to plan future actions and statements to parents/the media.
- 17.18 The Headteacher/Acting Headteacher/Manager (and, where appropriate, the Designated Governor/Chair of Governors) should consider carefully and, in consultation with the LADO (Education), keep under review decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case.
- 17.19 In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. In the London Borough of Hounslow this would normally be released through the Corporate Communications Department. (Advice should be taken from the LADO (Education) on this matter as necessary.)

## **18. Support for the Member of Staff During the Period of Suspension**

- 18.1 A member of staff who has been suspended should be offered the name of a person to act as an information contact. This will often be a member of the HR Section, but may also be a member of the staff member's professional association/trade union.
- 18.2 The main role of the contact person is to:
- provide professional support during the period of suspension

- give an overview of the progress of the investigation without prejudicing the investigation
- 18.3 Although it is the aim that all investigations should be conducted as speedily as possible, consistent with establishing the full facts, arrangements should be made for the individual, or his or her representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude the individual, or his/her representative, contacting those conducting the investigation at any time.
- 18.4 According to the needs and wishes of the member of staff concerned to be kept informed, a workplace colleague contact should also be available to provide information about developments in general in the life of the school/workplace. (Social contact with colleagues and friends at the school/workplace should not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal investigations or disciplinary processes.)
- 18.5 It may be appropriate for the LADO (Education) to ask whether welfare counselling or the support of the Local Authority's medical adviser would be helpful, or to respond to a request for support.

## **19. Action Following Decision to use the Disciplinary Process to Address Concerns**

- 19.1 The decision to refer to disciplinary procedures will be taken at a multi-agency strategy meeting or as a result of a multi-agency strategy discussion.
- 19.2 This will usually follow a decision by Children's Social Care not to pursue the allegation under Section 47 of the Children Act or if the Police or Crown Prosecution Service decide not to pursue the allegation down the criminal/prosecution route.
- 19.3 If an enquiry under Child Protection procedures is necessary, or if the Police decide to pursue a criminal investigation, the disciplinary process must be held in abeyance until such times as the Police agree to the disciplinary process proceeding.
- 19.4 If a disciplinary process is to take place, it must be made clear to all those involved in the investigation that this has a different objective from a child protection enquiry and will follow the relevant disciplinary procedures.
- 19.5 If at any stage during the disciplinary investigation new evidence emerges that would suggest the matter should be referred again to the Children's Social Care or the Police, the investigation should be halted and will only be resumed if a further multi-agency discussion/meeting is satisfied that its resumption will not interfere with enquiries.

- 19.6 The Headteacher/Manager (or Chair of the Governing Body if the allegation is against the Headteacher) will be supported through the disciplinary process by a senior member of HR staff, and disciplinary procedures will be followed.
- 19.7 The LADO (Education) – or, in the case of non-school establishments, the Head of HR - will monitor the progress of the disciplinary procedures, ensuring that all interested parties are kept informed of its current status and outcome.
- 19.8 The LADO (Education), in liaison with HR staff, will ensure that the member of staff against whom the allegation has been made is offered support during the process.

## **20. Action Following Decision that the Allegation is Without Foundation**

- 20.1 If it is clear that the allegation is demonstrably false, the members of the multi-agency strategy discussion/meeting should consider the possibility that the child who made the allegation may be experiencing abuse elsewhere that will require further enquiries. (This may involve the Designated Person in further consultation.)
- 20.2 The Headteacher/Manager (or, in the case of an allegation against the Headteacher, the Chair of the Governing Body) will inform the member of staff orally and in writing of the allegation and that no further action is to be taken under disciplinary or child protection procedures.
- 20.3 The Headteacher/Manager (or Chair of the Governing Body) will inform the parents/carers of the child of the outcome of the consideration of the allegation.
- 20.4 The Headteacher/Manager (or the Chair of the Governing Body), in consultation with the other members of the strategy discussion/meeting, will consider whether counselling and/or informal professional advice to the member of staff is appropriate.
- 20.5 A written report should be made following the strategy discussion/meeting giving the reasons for the conclusion that the allegation is without foundation.

## **21. Record Keeping**

- 21.1 Information about an alleged incident may be received from many different sources. Regardless of how the information is received, well-kept records are essential to safeguard the interests of children and staff.
- 21.2 Recording needs to start as soon as an allegation or concern has been raised against a member of staff. Important points to consider are as follows:

- Records should be accurate and relevant
- Records should be written within 24 hours of the initial notification and should be signed, dated, timed and sourced
- Access to records should only be permitted within legal requirements
- The LADO (Education) will manage the process of keeping and maintaining records
- There should be a robust and transparent system that allows a clear paper trail
- Records should provide an accurate and concise account of situations or concerns so that there is a clear understanding of why decisions were made and subsequent action taken.

All decisions should be recorded in writing and distributed appropriately.

Records 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.

## **22. Learning Lessons**

At the conclusion of a case in which an allegation is substantiated the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not suspension was justified.

# **Part Four**

Summary of the Allegations Management  
Process



## Summary of the Allegations Management Process

The allegation should be reported to the Headteacher/Manager or Designated Person immediately - unless the allegation is about the Headteacher, in which case it should be reported to the Chair of Governors and the LADO (Education).

If the allegation suggests that the person 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/children in a way that indicates s/he is unsuitable to work with children,

the Headteacher/Manager (or the Chair of Governors, if the allegation is against the Headteacher) should report it to the LADO (Education) the same day.

The Headteacher/Manager/Chair of Governors should not investigate the allegation at this stage.

The LADO (Education) will discuss the allegation with the Headteacher/Manager/Chair of Governors and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

### **Case where the allegation is not patently false:**

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer '**significant harm**', the LADO (Education) will refer to Children's Social Care regarding the need to convene a strategy meeting. The strategy meeting should include the LADO (Education) and the Headteacher/Manager.

If the allegation is against the Headteacher, the strategy meeting will include the LADO (Education) and the Chair of Governors.

If there is not cause to suspect that 'significant harm' is an issue, but a **criminal offence might have been committed**, the LADO (Education) will inform the Police, who, along with other agencies involved with the child, will consider if a criminal investigation is needed.

### **Case not requiring enquiries by Children Social Care or investigation by the Police:**

Where the initial consideration decides that the allegation does not reach the threshold of significant harm and does not involve a possible criminal offence, the allegation will be for the employer to deal with. (In the case of Headteachers, this

will be the Chair of Governors, who will seek advice as appropriate from the LADO (Education) and HR.)

If the nature of the allegation does not require formal disciplinary action, the Headteacher/Manager/Chair of Governors should institute appropriate action **within 3 working days**.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

Where further investigation is required to inform consideration of disciplinary action, the Headteacher/Manager/Chair of Governors should discuss who will undertake the disciplinary investigation and when with the LADO (Education) and HR.

The investigating officer should aim to provide a report of the disciplinary investigation to the Headteacher/Manager/Chair of Governors **within 10 working days**.

On receipt of the report of the disciplinary investigation, the Headteacher/Manager/Chair of Governors should consult the LADO (Education) and decide whether a disciplinary hearing is needed **within 2 working days**.

If a disciplinary hearing is needed, it should be held **within 15 working days**.

#### **Case subject to Children's Social Care enquiries:**

In cases where Children's Social Care have undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher/Manager/Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO (Education) should continue to liaise with the school/establishment to monitor progress of the case and provide advice or support.

#### **Case subject to Police investigation:**

If a criminal investigation is required, the Police should set a target date for reviewing progress of the investigation. The Police will consult the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge the individual with an offence, or close the case.

If the Police/CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the Police should, wherever possible, aim to pass all information they have that may be relevant to a disciplinary case to the employer/LADO (Education) within 3 working days of the decision.

The Headteacher/Manager/Chair of Governors should take account of any relevant information obtained during the course of the Police investigation when considering disciplinary action.

If the person is convicted of an offence, the Police should inform the employer/LADO (Education) straight away so that appropriate action can be taken.

**Referral to the Independent Safeguarding Authority (ISA):**

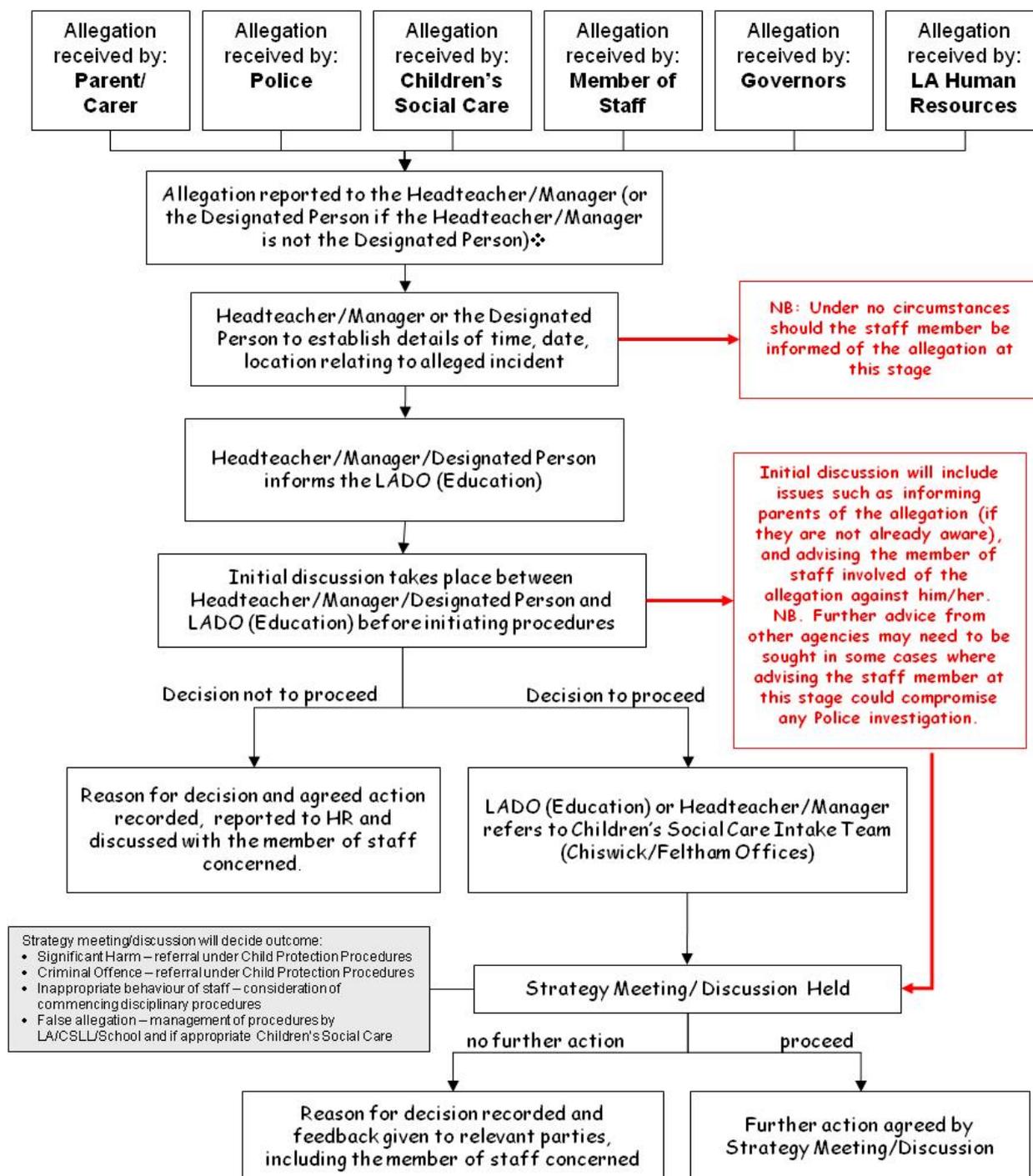
If, on conclusion of the case, the school/establishment ceases to use the person's services, or the person ceases to provide his/her services, the school/establishment should consult the LADO (Education) about whether a referral to the Independent Safeguarding Authority is required.

If a referral is appropriate, the report should be made within **1 month**.

[\(Please see following pages for flowcharts illustrating the allegations referral process.\)](#)



**Flowchart One: Procedures to be Followed When an Allegation is Made Against a Member of Staff who is NOT a Headteacher**

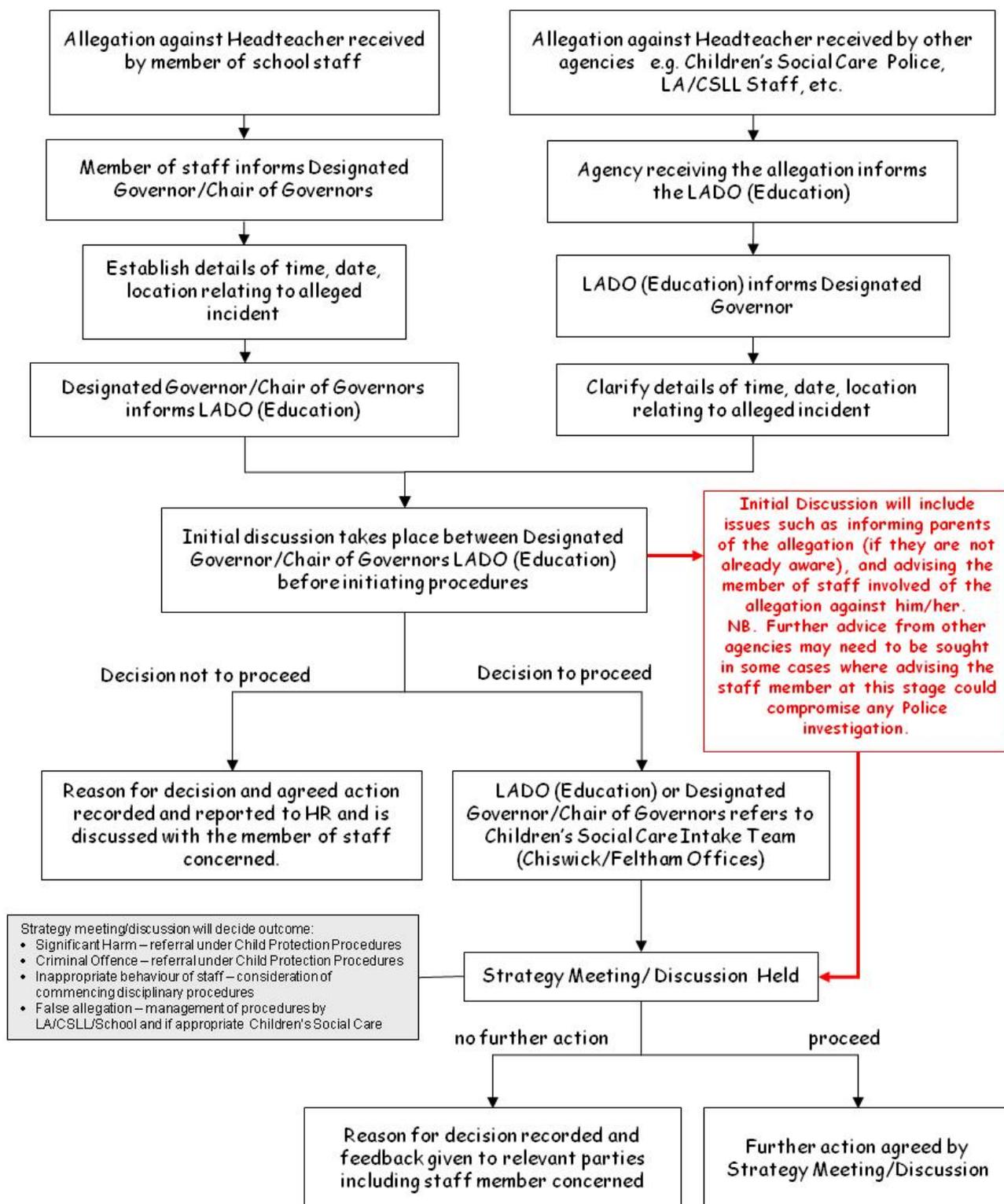


❖ It is expected that the Designated Person will discuss the disclosure with the Headteacher/Manager. If neither the Designated Person nor the Headteacher/Manager is available through absence, then the Deputy Headteacher/next senior staff member to Manager, should be informed. If there is no senior staff member available then the LADO (Education), (or in an emergency the Social Care Intake Team) should be contacted.

❖ In all cases, consideration should be given to the management at the school/establishment of any issues that may arise in connection with the allegation/as a result of the allegation.



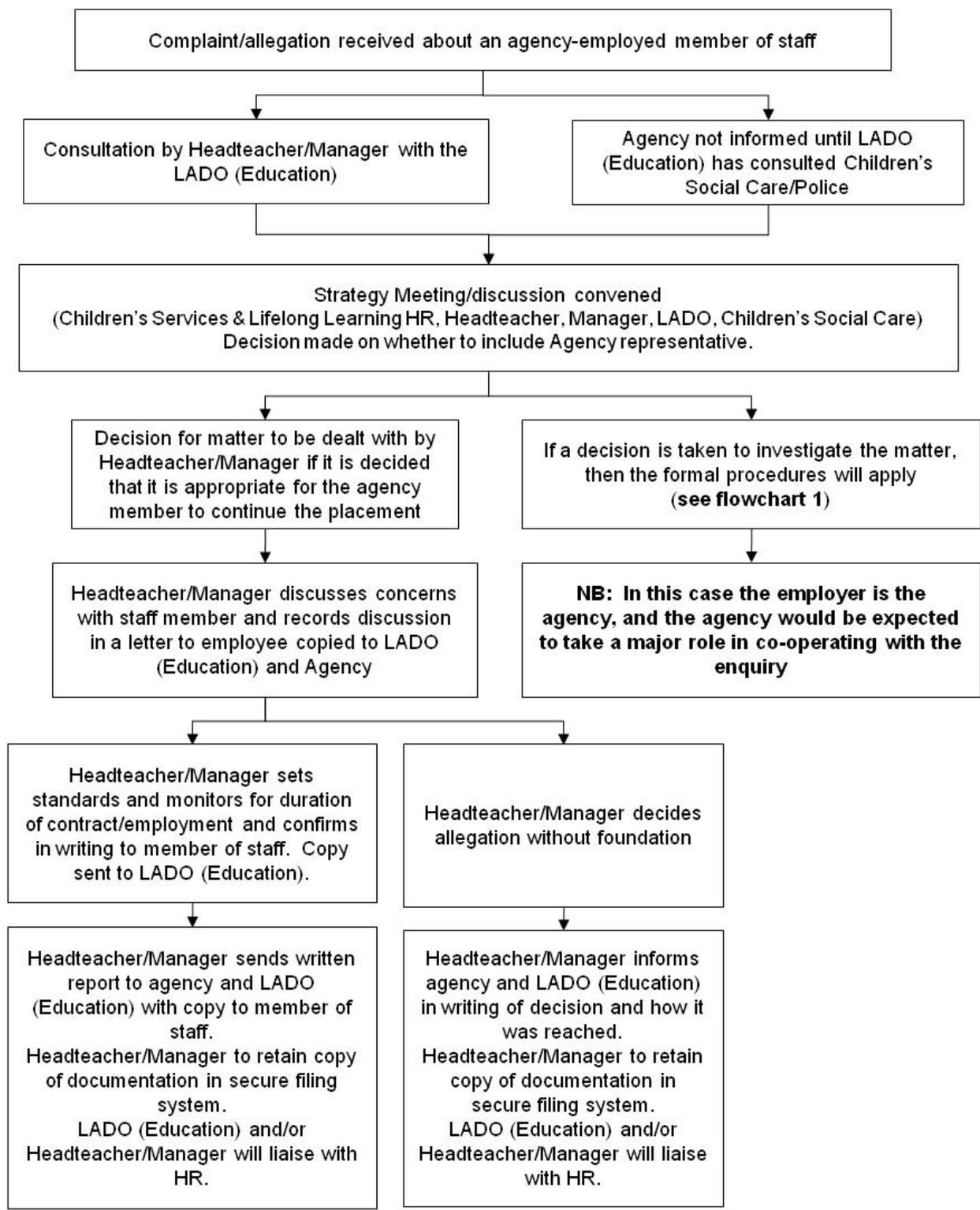
**Flowchart Two: Procedures to be Followed When an Allegation is Made Against a Headteacher**



❖ In all cases, consideration should be given to the management at the school/ establishment of any issues that may arise in connection with the allegation/as a result of the allegation.



**Flowchart Three: Procedures to be Followed When an Allegation is Made Against an Agency Member of Staff**



❖ In all cases, consideration should be given to the management at the school/ establishment of any issues that may arise in connection with the allegation/as a result of the allegation.



**LOCAL CONTACTS:**

**LOCAL AUTHORITY DESIGNATED OFFICER (LADO) EDUCATION:**

<p><b>Lyn Wilson:</b> LADO (Education) / Safeguarding Adviser (Education)</p>	<p><b>Tel: 020 8583 2785</b> Email: <a href="mailto:lyn.wilson@hounslow.gov.uk">lyn.wilson@hounslow.gov.uk</a></p>
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**LA HUMAN RESOURCES CONTACTS:**

<p><b>Jane Hillyer – HR Business Advisory Manager</b></p> <p><b>Colin Rodden - Head of HR Business Support (Interim)</b></p>	<p><b>020 8583 2315</b> Email: <a href="mailto:jane.hillyer@hounslow.gov.uk">jane.hillyer@hounslow.gov.uk</a></p> <p><b>020 8583 2680</b> Email: <a href="mailto:colin.rodden@hounslow.gov.uk">colin.rodden@hounslow.gov.uk</a></p>
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**POLICE CONTACTS:**

<p><b>Child Abuse Investigation Team (CAIT) based at Feltham Police Station</b></p> <p>Concerns relating to Child Abuse on the part of professionals who work with children should be referred to the CAIT.</p>	<p><b>020 8247 6331</b></p>
<p><b>Hounslow Police Station</b></p> <p>For ‘stranger abuse’ (i.e. abuse on the part of non-family members or people who do not work with the child), referrals should be directed to ‘Uniform Police’ on the Metropolitan Police Control Switchboard number above.</p>	<p><b>020 8577 1212</b></p>

**CHILDREN’S SOCIAL CARE (CSC) CONTACTS:**

<p><b>Sally Phillips – Head of Safeguarding</b></p>	<p><b>020 8583 3061</b> Email: <a href="mailto:sally.phillips@hounslow.gov.uk">sally.phillips@hounslow.gov.uk</a></p>
<p><b>Sally Greig – Child Protection Adviser (Children’s Social Care)</b></p>	<p><b>020 8583 3064</b> Email: <a href="mailto:sally.greig@hounslow.gov.uk">sally.greig@hounslow.gov.uk</a></p>
<p><b>Hetsie Van Rooyen – Child Protection Adviser (Children’s Social Care)</b></p>	<p><b>020 8583 3065</b> Email: <a href="mailto:hetsie.vanrooyen@hounslow.gov.uk">hetsie.vanrooyen@hounslow.gov.uk</a></p>
<p><b>Chiswick Intake Team (Referrals):</b> <b>Tel: 020 8583 6673</b> <b>Fax: 020 8583 3245</b></p>	<p><b>Feltham Intake Team (Referrals):</b> <b>Tel: 020 8583 6672</b> <b>Fax: 020 8583 3303</b></p>

**Out of Hours Emergency Duty Team Number for Social Care 0208 583 2000**



*Information for Education Staff who are  
Facing an Allegation of Abuse  
(Maintained Schools, Early Years and  
Education Settings)*

***Based on original document produced by:***

The National Network of Investigation & Referral Support Co-ordinators in  
consultation with the DCSF (July 2005)

**Established by:**

department for  
**education and skills**  
creating opportunity, releasing potential, achieving excellence



**London Borough  
of Hounslow**

UPDATED April 2011



## **Introduction**

This document has been written to assist you in understanding what happens when a member of staff or volunteer in schools or other Education settings is faced with an allegation of abuse.

It provides an explanation of the process that will be followed in investigating the allegation and gives information about the kinds of support and guidance that might be available to you.

Further information on the actual procedures to be followed in dealing with allegations against staff/volunteers can be found in:

- Your school/Local Authority (Education) guidance on dealing with allegations against staff
- Your school/Local Authority disciplinary procedures.

National guidance on dealing with allegations against staff in schools and Education settings include:

- DfES "Safeguarding Children and Safer Recruitment in Education" (2006) guidance
- Joint NEOST / Teacher Union guidance (September 2002) "Staff Facing an Allegation of Abuse".

Any allegation is likely to cause a great deal of anxiety and concern. These guidelines are designed to help you to be as well informed as possible.

## **What happens when an allegation is made?**

An allegation of abuse is any complaint or concern (however and by whoever raised) that might indicate that:

- a person has harmed a child or put a child at risk of harm, or
- has displayed behaviour involving or related to a child that might constitute a criminal offence, or
- has behaved in a way that raises concern about his/her suitability to work with children.

If the allegation is one that is trivial in nature or relates to the use of reasonable force to restrain a pupil, the possibility is that your manager<sup>8</sup> will deal with the matter.

In other cases, (including where the use of force in restraint has been excessive or inappropriate) your manager should consult the Local Authority's designated lead officer for Child Protection in Education – the LADO (Education).

Your manager and the LADO (Education) will consider whether the school and Local Authority (Education) should deal with the matter or whether it needs to be referred to Children's Social Care (formerly Social Services) and/or the Police for consideration of investigation by them.

You may or may not be told immediately of the allegation.

From the initial consideration by your manager and the LADO (Education) there are four possible outcomes:

- a) It is alleged that a pupil has suffered, is suffering, or is likely to suffer *significant harm*<sup>9</sup> (in which case an immediate referral will be made to Children's Social Care).
- b) It is alleged that a criminal offence has been committed (in which case the matter will be referred to the police with a view to the police possibly carrying out a criminal investigation).
- c) The allegation may represent poor or inappropriate behaviour and may be considered under the school's/Local Authority's disciplinary procedures.
- d) The allegation is clearly and demonstrably without foundation.

There could be a combination of a) b) and c), above.

If the outcome is either a) or b):

The referral should result in a Strategy Discussion taking place with the Police, Children's Social Care, and LADO (Education). The Strategy Discussion is held under child protection procedures and the primary focus is on the needs of the child. Your manager will normally be asked to attend, but you will not be invited to contribute. The discussion could take place before you have been made aware of the allegation.

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<sup>8</sup> This should be your Head teacher (or Chair of Governors if you are the Head teacher).

<sup>9</sup> See Working Together to Safeguard Children (2010) Paragraphs 1.26 – 1.29 for information about the concept of 'significant harm'.

The Strategy Discussion will consider not only the children directly involved in the allegation but also any other children who could have suffered or are at risk of suffering significant harm. This could include your own children.

The strategy discussion will determine what actions are to be taken next and by whom. The strategy discussion is not part of any disciplinary procedures.

If the outcome is c):

An investigation will be initiated by the school/LA (Education) under agreed disciplinary and/or capability procedures.

If the outcome is d):

You will be informed formally both verbally and in writing of the allegation and that the allegation is without foundation. You should be informed that no further action will be taken and you should be offered support as necessary.

**What type of investigation will be undertaken?**

Three different types of investigation are possible:

- i. investigation by Children's Social Care, under child protection procedures
- ii. investigation by the Police relating to possible criminal offences.
- iii. investigation by the school/Local Authority under disciplinary or capability procedures.

It may be the case that a joint investigation is undertaken by Children's Social Care and the Police together.

Investigation may involve interviews with a number of people, including (where the Police or Children's Social Care investigate) members of your family.

In certain situations the three investigations detailed above may take place simultaneously, but it is more usual that any internal disciplinary investigation will be held in abeyance until the external agency investigations by the Police/Children's Social Care have been completed.

Whilst investigations should always be conducted as speedily as possible, they should also be balanced against the need for a thorough and fair process, in line with natural justice.

Statements gathered in external investigations could be used in any subsequent disciplinary proceedings conducted by your employer.

### **What considerations are made regarding suspension?**

The provision for suspension is set out in the Education Act 2002 and accompanying regulations. (Decisions regarding suspension of a member of staff in a school can only be taken by the Head teacher or Governing Body. Action by the Chair of Governors in relation to the Head teacher must be notified to the full Governing Body.)

You should not be automatically suspended. Your manager should consult with the LADO (Education) and the Human Resources provider regarding suspension. The strategy discussion may also make recommendations regarding suspension.

The final decision on suspension, however, lies solely with the Head teacher or Governing Body.

Suspension is a neutral act, not a sanction, and should only occur when:

- a) a child or children may be at risk
- b) the allegations are so serious that dismissal for gross misconduct is possible
- c) suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Where suspension is being considered, an interview will normally be formally arranged with you to advise you of this.

You have the right to be accompanied at the interview by a Trade Union representative or a friend. You should be advised to seek assistance from your Trade Union/Professional Association in the letter inviting you to the interview.

The suspension interview is not concerned with examination of the evidence but is rather an opportunity for you to make representations concerning possible suspension. (One of the roles of the union representative will be to promote your interests and raise issues that may be of concern to you.)

Alternatives to suspension should always be considered by your employer. For example, leave of absence, transfer of duties or additional supervision.

If you are suspended, you should be kept informed of the position regarding your case by your Employer on a regular basis, even if there are no developments to report.

## **Who will be notified about the allegation?**

Various people will need to be informed that an allegation has been made, regardless of whether a suspension has taken place or not. Decisions will be based on who needs to know and will take into consideration, as far as is possible, the issues of confidentiality.

The following individuals will be informed that an allegation has been made and the likely course of action:

- i) The child or young person concerned, their parents/carers and any party making an allegation
- ii) You – at the appropriate time
- iii) Your manager
- iv) The LADO (Education)
- v) The Chair of Governors, as appropriate.

There may be occasions when the Police will need to decide the appropriate timing for the above individuals to be notified.

If you have been suspended, in addition to the above, it will be necessary to inform the following:

- i) The Governing Body (with minimal information to ensure that any future process is not prejudiced)
- ii) Senior teachers/other staff so far as is necessary and as determined by the Head teacher/Chair of Governors.

If the matter unfortunately becomes common knowledge or subject to speculation, it may become necessary to issue a brief and accurate statement for parents, children and the public in addition to the above people being notified. Action relating to this will be determined by the appropriate agencies following consultation.

## **What support will be offered to me if an allegation is made?**

You should be:

- a) advised to contact your Union representative
- b) given the name of a contact who will keep you up to date with the progress of the investigation
- c) offered the services of the Employee Counselling Service and/or Occupational Health support, if available.

- d) If you are suspended, you should be given the name of a school contact who will keep you up to date about school activities outside of the investigation. The type of information and frequency of contact should be agreed between the relevant parties. A colleague who undertakes this 'school contact' role would not be expected to comment on the investigation.

Social contact with colleagues should not be precluded unless it is thought that it would be detrimental to the investigation.

It is recognised that, if an allegation is made against you, it is a very stressful situation. Not only are you strongly advised to contact your Union representative, but you should also contact your GP if you feel your health is being affected.

[\(See Appendix E2 for details of local contact who are available to you.\)](#)

### **What happens regarding a return to work following suspension or alternative arrangements to suspension?**

If you have been suspended (or have been absent due to alternative arrangements to suspension having been put in place) and a decision is made for you to return to work, your Union representative can assist in negotiating and planning this return. HR staff and the LADO (Education) can also assist in the return to work process.

### **What records will be kept?**

Key documents relating to an investigation<sup>10</sup>, including the outcome, *must* be retained in a secure place by the school and/or LADO (Education). Other agencies, if involved, will maintain their own records.

### **Will I be referred to the Independent Safeguarding Authority (and the Teachers' Misconduct Team)?**

Your employer has a statutory duty to report you to the Independent Safeguarding Authority (ISA) for consideration of barring you from (or placing restrictions on you) working with children or young people if:

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<sup>10</sup> 'Data Protection Code of Practice: Employment Records'. Records of allegations against workers that have been investigated and found to be without substance should not normally be retained by an employer once an investigation has been completed. There are some exceptions to this, however, where the employer has to keep a limited record when the allegation relates to abuse and where the person is employed to work with children and vulnerable adults. You should be told if this is the case and you are entitled to request access to records.

- you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- you resign before a disciplinary process is completed and your employer considers that they may have dismissed you at the outcome of the process.

[\(See following pages for Appendix E1 and E2.\)](#)

If you are referred to the ISA, the ISA will send you a letter explaining the process, including your right to make representation.



### **Information for Staff Accused of a Criminal Offence**

If an allegation has been made against you and the police decide to conduct an investigation, you may be arrested or invited to attend the police station to assist with the investigation. You should contact your Union for advice.

If you are arrested or interviewed about the allegation, you should be cautioned as follows:

*“You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”*

At the police station, you will be entitled to free and independent legal advice. A Duty Solicitor can be contacted for you, but, if you want to use your own solicitor, make sure he/she specialises in criminal law. If you are ‘assisting with the investigation’ and not under arrest, you should be told that you are free to leave if you wish to do so.

If you have been arrested, you will be seen by the Custody Officer, who will explain your rights in detail, including the right to have someone informed of your arrest and to make a telephone call. You will also be able to consult and read a copy of the “Code of Practice” that covers your treatment during detention and interview. The Custody Officer will maintain a record of your period of detention.

Following arrest, you can normally be held for up to 24 hours, after which you must be charged or released (with or without bail). This period of time starts at the time of your arrest or arrival at the station, whichever is the earlier. This period can be extended by a Superintendent or a Magistrate up to a maximum of 36 and 96 hours respectively, depending on the seriousness of the case.

In all cases involving allegations against staff, decisions about charging rest with the Crown Prosecution Service (CPS), who act independently of the Police, and a senior Crown Prosecutor will be consulted early in the investigation.

If you admit the offence, the CPS may advise that you be cautioned, whereby you are formally warned about your actions by a Police Officer usually of the rank of Inspector or above. A caution will be recorded by the police and may influence the decision whether or not to institute proceedings should you offend again. A caution could affect your ability to work with children in the future, and in sexual abuse cases, it may result in you being placed on the Sex Offenders Register. You should seek advice from your solicitor before agreeing to accept a caution.

If the CPS advises the police to charge you, this will be carried out by the custody officer. You will then either be released on bail to appear in court at a future date or kept in custody to appear at the next available court. The responsibility for the prosecution will lie with the CPS.



**THE FOLLOWING CONTACTS MAY BE OF USE TO YOU**

School	To be discussed with the school.
Local Authority	LADO (Education) – Lyn Wilson Tel: 020 8583 2785 LADO (Children’s Social Care) – Sally Greig/Hetsie Van Rooyen Tel: 020 8583 3064/3065
Human Resources	To be advised by school/HR.
Union Representative	To be advised by individual in consultation with his/her Union.
Occupational Health	Civic Centre, Lampton Road, Hounslow TW3 3DN E-mail: occupational.health@hounslow.gov.uk Tel: 020 8583 2168 Fax: 020 8583 2175
Employee Counselling Service	Civic Centre, Lampton Road, Hounslow TW3 3DN Tel 020 8583 2538
Police Child Investigation Team	Tel: 020 8247 6331

**YOU ARE STRONGLY ADVISED TO SEEK SUPPORT, INCLUDING FROM YOUR GP IF YOUR HEALTH MAY BE AFFECTED**



## **SAFEGUARDING CONDUCT GUIDELINES FOR TEACHERS IN HOUNSLOW**

### **Introduction**

Child abuse of all kinds – physical, sexual, psychological – has been increasingly detected and brought to the attention of the general public in recent years.

While many child abusers are known to the victim either as relatives or friends of the family, some meet children in other contexts: A small minority of the latter may gain access to children in schools, as teachers, ancillary workers or through their employment in some capacity related to school activities.

Teachers, in particular, are vulnerable both to the possible consequences of their close professional relationships with their pupils and to malicious or misplaced allegations made by pupils (deliberately or innocently), arising from the teacher's normal and proper association with them in school.

These safeguarding conduct guidelines are intended to assist teachers in dealing with the complex problem of child abuse in three main ways:

- 1) By drawing attention to the areas of risk for teachers when in school and whilst participating in school-related activities, and by offering guidance on prudent conduct in various circumstances.
- 2) By setting out briefly what teachers should do if they suspect that a child in their school is being abused by someone outside the school.
- 3) By setting out briefly what teachers should do if they suspect that a child in their school is being abused by a colleague.

It should be stressed that any form of abuse of children by staff in schools is very rare. Nevertheless, all staff in schools need to be vigilant about the conduct of others and prudent about their own conduct so that their relationships with their pupils remain, and are seen to remain, entirely proper and professional.

These safeguarding conduct guidelines are designed to assist all teachers in maintaining high standards in their relationships with their pupils.

### **1. Private Meetings with Pupils**

- a) Teachers should be aware of the dangers which may arise from private interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people.

- b) Where such conditions cannot apply, teachers are advised to ensure that another adult knows that the interview is taking place. The use of “engaged” signs or lights is not advisable.
- c) Where possible, other pupils or another adult should be present or nearby during the interview.
- d) Wherever possible, a one-to-one interview should be conducted in a room which can be ‘overlooked’, ideally with a window of clear glass which can be left uncovered during the interview.
- e) If an interview is to be held with a pupil whom a teacher does not know very well, the teacher should consult other staff who know the child.

## **2. Physical Contact with Pupils**

- a) As a general principle, teachers are advised not to make unnecessary physical contact with their pupils. This is particularly the case with children of secondary school age and maturing children of primary school age.
- b) Physical contact which may be misconstrued by the pupil, parent or other casual observers should be avoided. Such contact can include well-intentioned informal gestures such as putting a hand on the shoulder or arm, which, if repeated with an individual pupil, could be misconstrued, as well as more obvious and more intimate contact, which should never occur.
- c) There may be occasions when a distressed child needs comfort and reassurance which may include physical comforting such as a caring parent would give. Teachers should use their discretion in such cases to ensure what is, and what is seen by others present, to be normal and natural does not become unnecessary and unjustified contact, particularly with the same child over a period of time.
- d) Some teachers are likely to come into physical contact with their pupils from time to time in the course of their teaching, for example when showing a pupil how to use a piece of apparatus or equipment, or while demonstrating a move or exercise during games or PE. Teachers should be aware of the limits within which such contact should properly take place and of the possibilities of such contact being misinterpreted by the pupil.
- e) Heads of Departments in schools may well think it sensible to draw up their own guidelines (which cover the particular circumstances of their schools) for the use of areas such as photographic darkrooms.

- f) Teachers who have to administer first aid should, if they are in any doubt as to whether necessary physical contact in the circumstances could be misconstrued, ensure wherever possible that other children or another adult are present.
- g) Following any incident where a teacher feels that his/her actions have been, or may be, misconstrued, a written report of the incident should be submitted immediately to the Headteacher of the school. This would apply especially in a case where a teacher had been obliged to restrain a child physically to prevent him/her from inflicting injury to others or self injury. N.B. separate guidelines will be available on using physical restraint in order to avoid injury to others or self.
- h) Teachers should be particularly careful when supervising pupils in a residential setting such as a ski trip, outdoor education camp or extended visit away from home, where more informal relationships tend to be usual, and where teachers may be in proximity to pupils in circumstances very different from the normal school environment.

### **3. Choice and use of Teaching Materials**

- a) Teachers should avoid using teaching materials which might be misinterpreted or which could cause their motives to be questioned.
- b) When using teaching materials of a sensitive nature, a teacher should be aware of the danger that their application, either by pupils or by the teacher, might be criticised after the event.

### **4. Relationships and Attitudes**

Teachers should ensure that their relationships with pupils are appropriate to the age and gender of the pupils, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when teachers (of either sex) are dealing with adolescent boys and girls.

### **5. Action to be taken by a Teacher where Child Abuse is Suspected**

Guidance on Hounslow's procedures should be followed by schools in any case of suspected child abuse. A copy of the procedures should be available in every staff room.

### **Conclusions**

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which teachers inter-relate with pupils and where opportunities for their conduct to be misconstrued might occur. Teachers' professional judgement will be exercised, and for the vast majority of teachers this Code of Conduct will

serve only to confirm what has always been their practice. If any teacher has any doubts about points in this document he/she should consult with his/her Headteacher or a representative of his/her professional association.

From time to time, however, it is wise for all teachers to reflect upon their teaching styles, relationships with pupils and their manner and approach to individual pupils to ensure that they give no grounds for doubt about their intentions in the minds of colleagues, of pupils or their parents.

[For more indepth details on Safer Working Practice please see, the DCSF November 2007 document, "Guidance for Safer Working Practice for Adults who work with Children and Young People".](#)

**CODE OF CONDUCT FOR LA EMPLOYEES**

[code\\_conduct.pdf](#)

# CODE OF CONDUCT FOR EMPLOYEES

## FOREWORD

I have pleasure in introducing the Council's revised Code of Conduct.

Employees of Hounslow Council provide vital services to our community and our aim is to achieve excellence in every service we deliver. To do this we expect the highest standards from everyone who works for the Council. The purpose of the Code of Conduct is to ensure that everyone is aware of these standards and knows how to address any potential breach of them. The Code also exists to protect employees by setting out clear expectations and behaviours which colleagues, members of the public and Elected Members are expected to maintain.

This Code sets out the standards that apply to all employees. It is the responsibility of employees to read the Code and ensure awareness of the standards. If there is anything you are unclear about you must seek advice from your line manager or your Human Resources team.

The Code has been developed in consultation with Trade Union representatives and has the approval of Elected Members.

I commend this Code to you and trust it will enable us all to provide a standard for our community and colleagues.



Mark Gilks  
Chief Executive

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# 1 INTRODUCTION

## Purpose

- 1.1 The purpose of having a Code of Conduct is to:
- support the maintenance of the highest standards of conduct by employees throughout the London Borough of Hounslow
  - identify corporate standards, which may be in addition to departmental codes and professional codes and guidelines
  - help all employees to act in a way which upholds the Council's standards and, at the same time, protect them from criticism, misunderstanding or complaint
  - ensure that behavioural standards reflect the Council's values across the organisation.

## Scope

- 1.2 This Code of Conduct applies to:
- a. all employees of the Council, except teachers and those employed in schools under the control of Governing Bodies for whom other codes already exist. Employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation; and
  - b. individuals providing services for the Council, e.g. contractors, agencies, self-employed, those working in partnership with the Council; and
  - c. employees who are remote / home workers. Such employees are expected to comply with the provisions of this Code in the same way as office based staff. Any specific considerations for remote / home workers are set out in the Remote and Homeworking Policy.
- 1.3 Any reference to the term 'employees' throughout this Code, should be taken to mean those workers defined in paragraph 1.2.

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## **Failure to Abide by the Code**

- 1.4 Any failure to observe the standards set out in this Code may lead to disciplinary action being taken under the Council's Disciplinary Policy.
- 1.5 Where standards are breached by a worker who is not an employee of the Council (as defined in paragraph 1.2 (a)), appropriate arrangements will be made with the external organisation to ensure that the matter is properly addressed. Serious breaches in standards would normally lead to termination of the contract.

## **Development of the Code**

- 1.6 The Code will need to be updated from time to time as a result of changes to Council Policy or legislation. Any such changes can be introduced in line with the normal protocol for policy development within Human Resources.

## **Accessing Policies and Documents Referred to in the Code**

- 1.7 Employees are urged to use links to other policies and documents, which are contained within the electronic version of the Code of Conduct. For staff who are not accessing the Code electronically, employment policies can be obtained from departmental HR Teams. Where reference is made to other documents, the relevant section will specify where the material is available.

## **Useful Information**

- 1.8 The final section of this Code (Section 17) contains a list of contact points, which will be useful to all employees.

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## 2 STANDARDS

- 2.1 The London Borough of Hounslow expects the highest standards of conduct from its employees to ensure that public confidence in their integrity is sustained.

### Fundamental Standards

- 2.2 The fundamental standards for employees are:
- a. To serve the populations living within the Borough
  - b. To use public money to serve the needs of Borough residents in the best way
  - c. To be fully accountable for the use of all resources
  - d. To ensure that their conduct does not damage public confidence in the honesty and integrity of the Council
  - e. To report, through agreed procedures and without fear of recrimination, breaches of procedure or impropriety
  - f. To work safely to protect their own safety and that of others
  - g. To respect and value the diversity, including an appreciation of the cultural differences, which exist amongst the community and the workforce.

### Further Information

- 2.3 Employees who are unclear about the standards required should contact:
- Line Manager
  - Departmental HR Team
  - Trade Union

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### 3 THE EMPLOYMENT RELATIONSHIP

3.1 Employees are engaged under a contract of employment, which regulates the terms and conditions of the employment relationship. The existence of this relationship creates a number of obligations on both parties and these are summarised below. It is expected that these principles will apply where workers are not employees of the Council (as defined in paragraph 1.2(a)).

**(a) Employees can expect that the Council will:**

- i Provide a safe and healthy working environment
- ii Pay the agreed salary for the post
- iii Follow its own agreed policies and procedures
- iv Comply with employment legislation
- v Treat seriously concerns which are reported
- vi Provide protection, including anonymity where appropriate, for those who report concerns
- vii Address grievances raised
- viii Always treat staff fairly and with respect
- ix Not tolerate harassment, bullying, victimisation or discrimination or any inappropriate bias in relation to its staff

**(b) The Council can expect that Employees will:**

- i Attend work in a timely manner
- ii Carry out the duties of the post for which they are employed
- iii Work the number of hours for which they are paid
- iv Be fit to carry out their duties effectively (i.e. not under the influence of drink or drugs or be subject to any substance misuse)
- v Follow the agreed procedures, policies, guidance and / or practices
- vi Report concerns about known or possible wrongdoing
- vii Treat colleagues and service users impartially and with respect
- viii Work collaboratively with colleagues and partner organisations
- ix Dress appropriately and professionally for the work to be carried out, including wearing protective clothing or corporate uniforms when required
- x Not behave in any way which damages public confidence in the Council or brings the Council into disrepute

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## 4 RESPECT FOR OTHERS

### Fundamental Principle

- 4.1 Every employee has the right to be treated with respect and has the responsibility to treat others respectfully. Employees are expected to uphold these principles and values when at work.

### Harassment, Bullying, Victimisation and Discrimination

- 4.2 The Council will not tolerate the harassment, bullying or victimisation of employees nor will it tolerate discrimination against staff.

### Unacceptable Behaviour / Actions

- 4.3 Employees must not act or behave in ways that disadvantage others or undermine the effectiveness and well-being of employees. In addition to other references to behaviour and standards in this Code, it is expected that the actions set out below will be observed by all employees. This list is not, nor should it be taken as, exhaustive:
- a. Employees must not touch others inappropriately
  - b. Employees must be sensitive in their use of language and the ways they communicate with others
  - c. Employees must be aware of the effect of non-verbal conduct as it is not only the words or physical contact made that can cause offence e.g. displaying inappropriate pictures or making inappropriate gestures
  - d. Employees should exercise any power<sup>1</sup> (for definition, see footnote below) they hold in a responsible and equitable manner. This standard should be upheld despite the pressures involved in delivering a high quality service.
  - e. Employees should not fight, physically assault or verbally threaten physical assault on Members, employees, service users, contractors or members of the public.

Power<sup>1</sup> can be derived not only from status (e.g. management positions) but also from age, length of service, popularity, strength of a group etc. Employees must not, for example, unnecessarily exclude someone from a conversation, deny development opportunities, victimise someone for challenging actions.

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## How to Deal with Problems

### Formal Approach

- 4.4 Employees who experience behaviour that they feel is unpleasant, disrespectful or threatening have redress through the Council's Grievance and Fair Treatment Policy. If a person is found to be acting inappropriately, in breach of the Grievance and Fair Treatment Policy or this Code of Conduct, the Council will consider taking action under the Disciplinary Policy.

### Mediation

- 4.5 Employees may face conflict at work. A breakdown in communication or a clash of personalities can have a considerable impact on the employee's well-being and performance at work. The Council offers an in-house mediation service where trained mediators assist colleagues in addressing these issues and in seeking to make realistic, long-term improvements in working relationships.
- 4.6 For information on the mediation service contact the Strategic HR Team.

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## 5 HEALTH, SAFETY AND WELFARE

### Fundamental Principle

- 5.1 All employees must work safely to protect their own safety and that of others.

### Health, Safety and Welfare Strategy

- 5.2 The Council has a Health, Safety and Welfare Strategy that is designed to meet its legal obligations as an employer and service provider. It has the full endorsement and backing of the Executive and the Corporate Management Team.

### Other Key Documents

- 5.3 The other key documents concerning Health, Safety and Welfare are:
- The Council's Health and Safety Manual. This is issued to service managers and is also available on the intranet. The Manual contains:
    - The Corporate Health, Safety and Welfare Strategy
    - Corporate Health and Safety policies and specific procedures.
  - Departmental Health & Safety policies. These are available from service managers or the Occupational Health and Safety Unit.
  - The employee leaflet "Health and Safety is Everybody's Business". If you have not been issued with a copy please contact your manager or the Occupational Health & Safety Unit.
  - Locally produced risk assessments and safe working and operational procedures. These are available from service managers.

### Employees' Obligations

- 5.4 The key obligations for all employees are:
- a. To read and understand their health and safety responsibilities outlined in the Council's Health, Safety and Welfare Strategy and their Department's Health and Safety Policy
  - b. To work safely and in accordance with laid down policies, procedures and risk assessments

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- c. Not to interfere with or use any equipment unless they have been appropriately trained, instructed or are under direct supervision
- d. To be alert to any health and safety hazards or defects and report to their supervisor/manager anything which they cannot immediately make safe.

**Obligations for Managers / Supervisors**

- 5.5 In addition to those set out at paragraph 5.4, managers and supervisors have the following obligations:
- a. To complete risk assessments of their service and take appropriate action to reduce the risk to an acceptable level
  - b. To implement necessary safe working and operational procedures
  - c. To identify and provide for the necessary health and safety training needs of their staff
  - d. To ensure that they and their staff are fully aware of relevant health and safety issues affecting their service
  - e. To actively promote and comply with the Council’s Health, Safety and Welfare Strategy, other corporate policies and procedures and their departmental Health and Safety Policy.

**Imminent or Serious Risk of Injury**

- 5.6 No employee should continue working in circumstances where there is an imminent or serious risk of injury. In such cases employees are advised to always remove themselves and anyone in their care from the immediate danger and report directly to their Supervisor/Manager, as soon as is reasonably practicable.

**Incident Reporting**

- 5.7 In the event of an accident, near miss or dangerous occurrence the incident and any consequential absence over 3 days must be reported and recorded using the Council's internal accident / incident report form and procedure.

**Failure to Comply with Health and Safety Requirements**

- 5.8 A failure to comply with health and safety requirements and instructions or the Council's stated policies or procedures will be regarded seriously and will normally be dealt with under the Council’s Disciplinary Policy. This applies whether or not an accident or injury has occurred.

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## **Contacts for Further Advice**

5.9 Employees who have any queries about health and safety issues should contact their line manager in the first instance.

5.10 For further advice please contact either:

- The Occupational Health and Safety Unit (020 8583 2167)
- The Occupational Health Service (020 8583 2168)

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## **6 WORKING WITH HONESTY AND INTEGRITY**

### **Fundamental Principle**

- 6.1 Employees are expected to perform their duties honestly, with integrity, impartiality and objectivity. This principle applies to all employees, regardless of their position within the Council.

### **Anti-Fraud Statement**

- 6.2 The Council is committed to the proper accountability of public funds and condemns fraud and corruption in public life. The Anti-Fraud and Anti-Corruption Strategy Statement sets out the Council's position and expectations regarding fraud and corruption within the organisation.

### **Breach of the Principle**

- 6.3 Any breaches of the fundamental principle, set out in paragraph 6.1, will be treated very seriously. In particular it should be noted that:
- a. Fraud and corruption (including benefit fraud) will be regarded as very serious matters and dealt with through the Council's Disciplinary Policy.
  - b. Acts of theft, fraud and corruption will usually constitute gross misconduct and could therefore result in dismissal from the Council's service (even for a first offence). Criminal proceedings may also follow.
  - c. At all times employees must be aware of the reputation and integrity of the Council. For employees who are involved in theft, fraud or corrupt practices not directly related to the Council there might be implications for their continued employment with the Council.

### **Council's Expectations and Fiduciary Relationship**

- 6.4 It is expected that all employees will:
- a. pay all monies due to the Council e.g. Council tax, parking fines, residential parking zone fees etc
  - b. promptly pay what they owe to the Council, without further demand, and avoid any suspicion that they may abuse Council finances

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- c. immediately declare any links and interests in groups or organisations who either work for, or supply goods and services to, the Council or get grants or other benefits from the Council (see section 9 - 'Personal Interests')
- d. make a formal declaration if their job could enable them to exploit Council information or procedures improperly (e.g. access to Council records on their own, a relative's, a friend's, a partner's housing benefit claim) (see section 9 - 'Personal Interests')
- e. not abuse their position with the Council for the benefit of themselves, relatives or friends e.g. fraudulently altering records to make enhanced payments
- f. report concerns regarding possible wrongdoing (see paragraphs 6.5 and 6.6).

### **If Employees Suspect Fraud or Corruption**

- 6.5 Employees who wish to seek advice about suspected fraud, corruption or wrongdoing should contact Internal Audit in the first instance.
- 6.6 Employees are under a duty to report any suspicions of fraud, theft, corruption or other wrongdoing (see section 16 - 'Reporting Concerns') whether this involves a colleague, manager or Elected Member.

### **Contacts for Further Advice**

- 6.7 For further information about fraud or corruption, the Council's Anti-Fraud and Anti-Corruption Strategy Statement (see section 6.2) and / or the Council's Fraud / Corruption leaflet please contact Internal Audit on 020 8583 2350.

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## 7 CONFIDENTIALITY

### Fundamental Principle

- 7.1 The Council recognises the importance of an open, transparent culture with clear communication and public accountability. It is the Council's aim to be as open as possible about all its activities.
- 7.2 On occasions it will be appropriate for some information, particularly concerning individuals, to be kept confidential in order to maintain the privacy of both staff and clients and to meet the statutory requirements of the Data Protection Act (see paragraph 7.3(d)).

### Council's Expectations

- 7.3 Employees are expected to:
- a. make themselves familiar with both the Corporate Confidentiality Policy and their own departmental confidentiality procedures
  - b. be fully aware of what information can be released and to whom
  - c. maintain the privacy at all times of all employees, potential employees, clients, customers, individuals or organisations with whom the Council comes into contact
  - d. handle personal or sensitive information in a professional and confidential manner, in accordance with the Data Protection Act.
  - e. provide information as required by law, to Members, auditors, government departments, service users and the public.

### Breach of Confidentiality

- 7.4 Employees must not breach confidentiality. There will be a breach of confidentiality in the following circumstances, although this list is not exhaustive:
- a. where employees gain access or attempt to gain access to information they are not authorised to have
  - b. where information obtained in the course of an employee's employment is used for personal gain or benefit
  - c. where information obtained in the course of an employee's employment is passed onto others, who may use it for personal gain or benefit

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- d. where information, received from a Councillor or colleague that is personal to that person (e.g. home telephone number), is divulged without the prior approval of that person, except where such disclosure is required by law.

### **Consequences of a Breach of Confidentiality**

- 7.5 Any breach of confidentiality (whether this is deliberate or comprises persistent accidental breaches or a one-off accidental breach which is so serious that it breaches the contractual relationship) will be treated as a serious matter and may lead to action being taken under the Council's Disciplinary Policy.

### **Informed Consent**

- 7.6 There may be occasions when there is a legitimate reason to disclose information. All employees are informed about particular circumstances in which information may be disclosed without their prior consent (e.g. where computer usage is monitored following a suspicion of misuse).
- 7.7 In other circumstances, it will usually be appropriate to obtain the 'informed consent' of an individual before information is disclosed. This means that an individual will be made aware of why the information is wanted (for example to access services provided by the Council), who will have access to it and the consequences of agreeing or not agreeing to disclose the information.

### **Further Information**

- 7.8 If employees are unclear about whether information should be disclosed or kept confidential they should speak to one of the following:
- their line manager
  - their HR team
  - the Corporate Communications team, where the information is to be provided to the media (see section 14), on 020 8583 2180
  - the Strategic HR team on 020 8583 2126

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## 8 WORKING RELATIONSHIPS

### Fundamental Principle

- 8.1 The Council wishes to maintain a working environment that enhances the performance and well-being of employees and constantly improves services to the community. This section sets out the Council's expectations for the various working relationships that exist in the course of employment.

### Colleagues

- 8.2 In all dealings with colleagues, employees are expected to be well-mannered, polite and to behave in a way which:
- a. enhances the performance and well-being of others and the effectiveness of Council services
  - b. is supportive, co-operative, professional and respectful
  - c. respects and values the diversity in the Council's workforce.

### Service Users

- 8.3 In all dealings with the local community and service users, employees must behave in such a way that ensures individual residents, groups, customers are:
- a. treated with dignity and respect
  - b. treated impartially, receiving fair and equal services
  - c. protected from harm or abuse.
- 8.4 All employees are required to make themselves familiar with, and implement, the Council's policies on customer care and equalities. Employees must ensure that the principles within these policies and those of individual departments are followed.

### Elected Members

- 8.5 Mutual respect between employees and Members is essential to good local government. The Protocol on Staff-Councillor Relationships sets out the Council's expectations in this area.
- 8.6 The key expectations of the Member - Employee relationship are that:
- Employees will maintain the highest level of professional standards and personal integrity in all their dealings with elected Members
  - Members must promote equality and well-being, treat others with respect and ensure they do not do anything which compromises, or

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is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

- 8.7 Employees are required to declare any relationship they have with an Elected Member (see paragraph 9.3 under 'Personal Interests').

### **Contractors, Suppliers and Other Partners in Service Provision**

8.8 Employees are expected to:

- a. work within the terms of the contracts and agreements made between contractors / suppliers / partners and the Council
- b. develop effective co-operative working relationships with contractors, suppliers, and service partners and at all times to behave in a professional manner
- c. use corporate contracts where appropriate.

### **Colleagues and Managers who have a Close Personal Relationship**

- 8.9 If an employee has managerial responsibility for someone with whom they have a close personal relationship (e.g. partners and family members) it may cause difficulties both for the individuals concerned and other team or departmental colleagues and jeopardise the cohesion and harmony of the team.
- 8.10 Every effort should be made to avoid such situations arising wherever possible. If these circumstances do exist or develop, the line manager should be informed and appropriate measures agreed.
- 8.11 A failure to declare a relationship may be considered under the Council's Disciplinary Policy.

### **Problems with Working Relationships and Potential Conflict**

8.12 Employees who are experiencing difficulties in a working relationship may wish to try and resolve these. In the first instance, employees are encouraged to raise issues at an early stage with their line manager. There are a variety of other ways in which issues can be raised, though the appropriate route will depend on the nature of the concern:

- An employee who is in conflict with a colleague and wishes to try to resolve the matter via mediation should contact Strategic HR for advice about the in-house mediation service
- An employee who considers they are being treated in a manner which is other than professional and respectful should raise this through the Council's Grievance and Fair Treatment Policy.

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- An employee who considers that a colleague has behaved inappropriately towards a service user has a duty to report this (see paragraph 16.2 under 'Reporting Concerns').
- An employee who wishes to raise concerns about the behaviour of an elected Member should refer to section 8 of the Protocol on Staff-Councillor Relationships.
- An employee who feels threatened or jeopardised in any way by the actions or intent of any service user should take appropriate action under the Council's Avoidance of Violence to Staff policy and any departmental guidelines.

### **Contacts for Further Information**

8.13 For a copy of the Protocol on Staff-Councillor Relationships, please contact Committee Services on 020 8583 2064.

8.14 A copy of Council policies referred to in this section is available:

- from your departmental team
- on the Council's Intranet

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## 9 PERSONAL INTERESTS

### Fundamental Principle

9.1 Employees may have a variety of personal interests. In most cases it is likely that these will not impinge on their work at the Council. However, it is important that an employee's personal interests do not arouse any suspicion about their honesty or integrity or that these cannot in any way bring the Council into disrepute. For this reason employees are required to declare particular personal interests in accordance with this section.

### Personal Interests which must be declared

- 9.2 Employees must declare any interests which:
- a. prevent, in any way, the impartial performance of their duties or create the perception that it would prevent the impartial performance of their duties
  - b. are not compatible with public service or create the perception that they are not compatible with public service
  - c. put them under suspicion of improper behaviour.

### Examples of Personal Interests

- 9.3 Personal interests include the following, though this should not be taken as an exhaustive list:
- friendships
  - relationships (including relationships with Elected Members)
  - associations
  - financial interests
  - interests of friends - the degree to which a person can be described as a 'friend' is a matter of judgement. If any doubt exists, employees should speak to their line manager for advice.
  - interests of relatives - a relative includes a spouse, civil partner, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner / civil partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse, civil partner or partner of any of the preceding persons

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- membership of any organisation not open to the public with formal membership and commitment of allegiance or which has secrecy about rules or membership or conduct
- membership of commercial or voluntary organisations that may be involved directly or indirectly with the Council.

### **Employees' Responsibilities**

- 9.4 Employees must not allow any personal interests to conflict with the performance of their duties whilst employed by the Council.
- 9.5 The decision about whether an interest conflicts with, or may be considered improper, is not necessarily what an employee may think but is also about what a member of the public, knowing the facts, would make of the matter.

### **Sponsorship**

- 9.6 Where the Council is seeking to sponsor an event, it is important that no employee, relative or friend (see definitions in the footnote on previous page) benefits from this. Where an outside organisation wishes to sponsor a Council event or service, the normal conventions regarding acceptance of gifts and hospitality apply (see section 10 - 'Gifts / Hospitality').

### **Misuse of Position / Influence**

- 9.7 Employees must not, in their official or personal capacity, use their position improperly to confer an advantage or disadvantage on any person.
- 9.8 In particular, employees:
- must declare any interest, relationship or association when dealing with contracts (e.g. letting, tendering, managing etc), recruitment, management responsibilities, allocation of resources and services, provision of services and access to information.
  - must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee or prospective employee who is a relative or a friend (see definitions in paragraph 9.3). Panel members will need to exercise their judgement about whether they could be compromised if they participate. If any doubt exists, the panel member must contact their HR Manager for advice before proceeding.

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## Process for Declaring Personal Interests

9.9 Employees must:

- a. complete and sign the corporate 'Declaration of Interests' form on an annual basis
- b. submit the declaration of interest to their line manager
- c. complete a form whenever their circumstances change

9.10 Managers' responsibilities:

- a. Review the declaration and consider whether further action is warranted.
- b. If no action is necessary, return the declaration to the departmental HR Team which maintains a departmental register of interests.
- c. Where further action is proposed, refer to the Chief Officer or Assistant Director for consideration and approval before returning to HR for inclusion in the departmental register.

9.11 Chief Officers must ensure that an employee is not placed in a position where private interests and official duties conflict.

## Access to the Record

9.12 The departmental register of employees' personal interests is not available to the public. It is possible for the register to be accessed in the following circumstances:

- a. by the Chief Executive
- b. by Councillors, on application to the Chief Executive
- c. during an investigation where the employee's conduct is brought into question. Application must first have been made to the relevant Chief Officer or Director of Human Resources.
- d. employees are entitled to see their own record
- e. by authorised agents of the Inland Revenue, Customs, Police or any other party holding a warrant or court order.

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### **Failure to Declare an Interest**

- 9.13 A failure to declare personal interests (whether or not the matter undisclosed has been found to have influenced the actions of the individual) would normally be dealt with under the Council's Disciplinary Policy.

### **Declaration of Interests Form**

- 9.14 The Declaration of Interests Form is available on the Council's intranet, or from departmental HR Teams.

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## 10 GIFTS AND HOSPITALITY

### Fundamental Principle

- 10.1 It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage in order to influence official conduct.
- 10.2 It is also an offence to accept any gift or consideration in the knowledge or belief that it is intended as inducement or reward, whether the employee receiving it is influenced or not.

### Council's Expectations

- 10.3 Although gifts and hospitality are generally meant as a sign of appreciation, acceptance of them can leave employees in a compromised position and open to allegations of corruption.

### Decline in most cases

- 10.4 The general expectation is that employees will decline offers of gifts or hospitality, for the reasons set out above.
- 10.5 In most cases where gifts or offers of hospitality are declined it is not essential for this to be declared. However if employees consider that an offer could cast any doubt on their integrity or jeopardise the Council's reputation, they should always declare the offer and its refusal to their line manager. This should be entered on the departmental register.

### Where acceptance is legitimate

- 10.6 There are situations in which it will be legitimate to accept a gift or offer of hospitality. Examples of this are as follows:
- Where the gift is of a nominal value and proportionate to the work for which thanks are being expressed (e.g. a pen, diary, small box of chocolates).
  - Where it is not practical to seek approval in advance (e.g. an impromptu lunch organised by a client). In these circumstances, the hospitality must be declared at the earliest opportunity.
  - Where refusal may cause offence. In this situation the gift may be accepted but donated to the mayor's charity.

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## Process for acceptance

- 10.7 If an employee considers that it may be appropriate to accept a gift or offer of hospitality they must speak to, and gain the approval of, their line manager before accepting.
- 10.8 The line manager must inform the Chief Officer, or their nominated deputy and obtain their authorisation for acceptance of the gift / hospitality.
- 10.9 The gift or offer of hospitality must be entered on the departmental register.

## Advice

- 10.10 Employees who are in any doubt about the appropriateness of any gift / hospitality offered to them must seek advice from their line manager before proceeding.

## Employees Providing Personal Care

- 10.11 Employees who provide personal care, such as care workers and home helps, can be particularly vulnerable in this area. For this reason, employees who are offered any gifts or bequests from clients or their relatives / friends (see definitions in paragraph 9.3) must inform their Chief Officer in writing. These gifts must not be accepted without the **prior written approval** of their Chief Officer.

## Access to the Record

- 10.12 The departmental register of gifts / hospitality is not available to the public. It is possible for the register to be accessed in the following circumstances:
- a. by the Chief Executive
  - b. by Councillors, on application to the Chief Executive
  - c. during an investigation where the employee's conduct is brought into question. Application must first have been made to the relevant Chief Officer or Director of Human Resources
  - d. employees are entitled to see their own record.
  - e. by authorised agents of the Inland Revenue, Customs, Police or any other party holding a warrant or court order.

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## Failure To Declare An Interest

10.13 A failure to declare a gift / hospitality would normally be regarded as a disciplinary matter and dealt with under the Council's Disciplinary Policy.

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## 11 COMPUTER USE

### Fundamental Principle

- 11.1 The Council wants employees to use computers to the full and to feel competent and comfortable about doing so. However, it is essential that computers are used appropriately.

### Meaning of 'Computers'

- 11.2 Any reference to computers in this section should be taken to mean all computer equipment (e.g. PCs, laptops, personal organisers etc) and any associated technology (e.g. e-mail, internet, intranet etc).

### Misuse Of Computers

- 11.3 The misuse of computers is a serious offence and may result in employees being subject to disciplinary and legal action.
- 11.4 The Council's policy regarding the appropriate use of computers, e-mail, internet and intranet is set out in the document ["dosanddents@hounslow.gov.uk."](mailto:dosanddents@hounslow.gov.uk)

### Council's Expectations

- 11.5 The Council expects that all employees will fully adhere to the following standards regarding the use of computers:
- a. Employees must be familiar with, and abide by, the Council's Policy on computer use.
  - b. An employee who is aware or suspects that abuse of computers, e-mail, the internet or the intranet is taking place is under a duty to report this immediately under the Council's Whistleblowing Policy (see paragraph 16.2).

### Monitoring Computer Use

- 11.6 The Council will monitor the use of computers etc without notice. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.

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## Further Advice

11.7 Any employee who is at all unsure about the appropriate use of technology should contact one of the following:

- Line manager
- Departmental HR team
- ICT on telephone number 020 8583 3838

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## 12 POLITICAL ACTIVITY / NEUTRALITY

### Fundamental Principle

- 12.1 Employees serve the Council as a whole and it follows that they must serve all Members of the Council, not just those of the controlling group. The individual rights of all Councillors must be respected. In so far as employees may be required to advise political groups, they must do so in ways that do not compromise their own political neutrality.

### Politically Restricted Posts

- 12.2 As a result of provisions introduced under the Local Government and Housing Act 1989, to ensure the political impartiality of local government employees, some employees' posts are subject to 'political restriction' as these could conflict with their responsibilities at work.

### Consequences of Holding a Politically Restricted or Sensitive Post

- 12.3 Employees in a politically restricted or sensitive post must not:
- a. be elected as a Councillor in another local authority or as a Member of Parliament (MP) or as a Member of the European Parliament (MEP)
  - b. write or speak publicly on politically controversial issues
  - c. canvass at any election on behalf of a political party or at elections for Councillors, MPs or MEPs
  - d. hold office in any political party
  - e. publicly declare themselves a candidate for Councillor, MP or MEP.

### The Politically Restricted Posts

- 12.4 Posts that are politically restricted fall into three broad groups:

(a) Specified posts

The following posts have been designated as politically restricted:

- a. Head of Paid Service (i.e. Chief Executive)
- b. Monitoring Officer (i.e. Director of Legal Services)
- c. Chief Finance Officer (i.e. Director of Finance)

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- d. Chief Officers and Assistant Directors
- e. Officers exercising specified delegated powers under Standing Orders
- f. Assistants to political groups

(b) Posts at a certain salary level

Those where the remuneration level is at or above spinal column point 44 of the Local Government Services conditions of service or the equivalent salary level.

(c) Sensitive Posts

A sensitive post is one that meets one or both of the following criteria:

- i giving advice on a regular basis to the Executive of the authority, to any committee of that Executive or to any member of that Executive who is also a member of the authority
- ii speaking on behalf of the authority on a regular basis to journalists or broadcasters.

**Challenging Political Restrictions**

12.5 Employees who wish to be exempt from political restrictions must apply to the Independent Adjudicator (see paragraph 12.9).

12.6 There is no right to challenge political restriction for any of the specified posts named at paragraph 12.4 (a) above.

**Failure to Abide by Political Restrictions**

12.7 Where an employee, who holds a politically restricted post, fails to comply with the restrictions, this may be treated as misconduct and dealt with under the Council’s Disciplinary Policy.

**Access to Information**

12.8 A list of politically restricted and sensitive posts approved by the Council is held by the Chief Executive for public inspection.

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## Contact for Further Information

12.9 The address of the Independent Adjudicator is:  
Independent Adjudicator  
Democracy & Local Governance  
Department for Communities and Local Government  
Zone 5/G10 Eland House  
Bressenden Place  
London  
SW1E 5DU

Tel: 020 7944 8765

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## 13 LIFE OUTSIDE WORK

### Fundamental Principle

13.1 The Council acknowledges and respects the fact that employees are entitled to their private lives. In general, an employee's choices and actions outside of work are not the Council's concern. However in order to protect both the employee and the Council there are exceptions to this principle and these are set out in this section.

### Conduct

13.2 Whether in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for the post or brings the Council into disrepute.

### Additional Work

13.3 Employees are able to take on work in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed.

13.4 In order to assess whether or not there might be a conflict, employees are required to declare their intention to take on any work in addition to their existing contract of employment with the Council.

### Meaning of 'Additional Work'

13.5 The term 'additional work' includes further contracts with the Council or any work with a different employer, self employment and consultancy work. It also encompasses work that is either paid or voluntary.

### Employees' Responsibilities

- 13.6 An employee who wishes to take on additional work must ensure that:
- a. the additional hours worked do not contravene the Working Time or otherwise give the Council cause for concern about health and safety at work
  - b. the outside work does not place the employee in a position where their duties and private interests conflict
  - c. the outside work does not damage, or potentially damage, public confidence in the Council's conduct or business
  - d. the outside work does not involve the employee being in direct competition with the Council for work / contracts.

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- e. any potential employer is aware of their employment with the Council.

### **Process**

13.7 When an employee wishes to take on work in addition to their existing contract of employment with the Council, the following process will apply:

- a. all employees must declare any intention to take on any additional work to their line manager
- b. the manager will consider whether the additional work creates any conflict or cause for concern
- c. the manager will respond to the employee in writing.

### **Refusal of a Request to take on Additional Work**

13.8 If an employee has their request to take on additional work refused and wishes to challenge this, they should speak to their line manager or consider raising a grievance under the Council's Grievance and Fair Treatment Policy.

### **Further Information**

13.9 A copy of The Working Time Regulations is available from:

- departmental HR teams
- Department of Trade and Industry website

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## **14 DEALING WITH THE MEDIA**

### **Fundamental Principle**

14.1 Dealing with the media, whether the press, television or radio, requires specific skills and expertise. The only employees who can deal with the media are those specifically authorised to do so.

### **Those Authorised to Deal with the Media**

- 14.2 Only the following employees are authorised to deal with the media:
- a. Those working in the Council's Corporate Communications Unit
  - b. An employee for whom dealing with the media is an integral and explicit part of their responsibilities
  - c. An employee who has been specifically authorised to do so by the Head of Corporate Communications or the Chief Executive
  - d. An employee who is acting as a spokesperson for one of the Council's recognised Trade Unions in pursuit of legitimate industrial relations activities

### **Those not Authorised to Deal with the Media**

- 14.3 Employees who do not fall into the categories set out at paragraph 14.2 are not authorised to deal with the media and should ensure that:
- a. they do not speak, write or give interviews to the media
  - b. they do not bring the Council into disrepute by publicising material which is confidential or against the interests of the Council or its employees
  - c. if approached by the media, they immediately refer all enquiries to the Corporate Communications Unit without answering questions

### **Media and the Whistleblowing Policy**

14.4 The protocol for dealing with the media does not affect an employee's right to raise a concern about possible wrongdoing via the Council's Whistleblowing Policy (see section 16 - 'Reporting Concerns'). Employees should be aware that protection exists, when making a disclosure to the media, providing that the strict legal requirements set out in the Public Interest Disclosure Act 1996 are satisfied.

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## Further Information

14.5 A copy of the Public Interest Disclosure Act 1996 is available from:

- departmental HR Teams
- Office of Public Sector Information website

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## 15 PROTECTING THE COUNCIL'S INTERESTS

### Fundamental Principle

- 15.1 All employees are bound by a duty of fidelity not to breach confidence and not to participate in competing activities. The Council has the right to take necessary and reasonable steps to protect its legitimate business interests.

### Council Property

- 15.2 During the course of employment, staff may be issued with Council property (e.g. equipment, protective clothing, corporate uniform, keys, ID badges) for the effective performance of their duties. Employees are expected to take appropriate care of all property that is made available in these circumstances.
- 15.3 Equipment loaned to employees during the course of employment remains the property of the Council at all times and must be returned when requested. Employees who leave the Council must return all property on or before their last working day. The Council will seek to recover any property that has not been duly returned.

### Intellectual Property

- 15.4 The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software, developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to third parties by any employee acting in a private capacity without the express consent of the Council.

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## 16 REPORTING CONCERNS

### Fundamental Principle

16.1 The Council is committed to tackling wrongdoing and will deal seriously with any reports or suspicions raised.

### Duty To Report

16.2 Employees who witness wrongdoing or suspect that any wrongdoing is taking place, including breaches of procedure or any other impropriety, are under a duty to report these concerns.

### Process

16.3 An employee who needs to report a concern can do so either by speaking to their line manager or by reporting the matter via the Council's Whistleblowing Policy.

16.4 Line managers must keep a record of all concerns reported to them and of any action taken. If further advice is needed, the line manager should contact the departmental HR team.

16.5 An employee who wishes to raise concerns about the behaviour of an Elected Member should refer to section 8 of the Protocol on Staff-Councillor Relationships. For employees with access to the Council's intranet, this document can be found in the section relating to Councillors and Meetings.

### Protection for Employees

16.6 Employees who report concerns, in accordance with this Code, can expect to receive the following protection from the Council:

- a. Employees can report concerns without fear of recrimination. The Council will not tolerate the harassment or victimisation of employees who report a concern in good faith.
- b. Any employee who is found to have treated an employee inappropriately as a direct result of their having reported a concern will be dealt with under the Council's Disciplinary Policy.
- c. In addition to the protection offered by the Whistleblowing Policy, employees who raise a concern are also protected against detriment and dismissal under the Public Interest Disclosure Act 1996, providing the nature and means of disclosure meet the specified legal requirements.

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## Malicious Allegations

- 16.7 Malicious allegations, that is deliberately raising false complaints with the intention of harming someone, will be regarded as misconduct. Employees who make malicious allegations will be dealt with under the Council's Disciplinary Policy.

## Employees Raising Personal Concerns

- 16.8 Employees who are concerned about any action being taken, or being contemplated, in relation to them should seek to have this addressed through the Council's Grievance and Fair Treatment Policy.

## Further Information

- 16.9 A copy of the Public Interest Disclosure Act 1996 is available from:
- departmental HR teams
  - Office of Public Sector Information website

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## 17 USEFUL INFORMATION

<b>HR Advisory Team</b>	020 8583 3606/3105/2153
<b>HR Policy Team</b> <a href="mailto:askhr@hounslow.gov.uk">askhr@hounslow.gov.uk</a>	020 8583 2126
<b>Occupational Health &amp; Safety Team</b> <a href="mailto:health.safety.askus@hounslow.gov.uk">health.safety.askus@hounslow.gov.uk</a>	020 8583 2167
<b>Occupational Health Service</b>	020 8583 2168
<b>Trade Unions</b> Staff Side Secretary for LGS	020 8583 2446
<b>Corporate Communications Team</b> <a href="mailto:communications@hounslow.gov.uk">communications@hounslow.gov.uk</a>	020 8583 2180
<b>ICT</b> <a href="mailto:Contact.ict@hounslow.gov.uk">Contact.ict@hounslow.gov.uk</a>	020 8583 3838
<b>ACAS</b> <a href="http://www.acas.org.uk">http://www.acas.org.uk</a>	08457 474747
<b>Public Concern at Work</b> <a href="http://www.pcaw.co.uk">http://www.pcaw.co.uk</a>	0207 404 6609
<b>The Audit Commission</b> (External Auditors) <a href="http://www.audit-commission.gov.uk/">http://www.audit-commission.gov.uk/</a>	0844 7983131
<b>The Standards Board for England</b> <a href="http://www.standardsforengland.gov.uk">http://www.standardsforengland.gov.uk</a>	0845 078 8181

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