

Policy: Managing Allegations of Abuse Against Staff Policy
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Holy Trinity Church of England (VA) Primary School



Believe • Achieve • Inspire •

Managing Allegations of Abuse Against Staff Policy

SCHOOL VISION

At Holy Trinity Church of England Primary School our Christian vision shapes all we do.

*"I know that there is nothing better for people than to be happy and to do good while they live."
Ecclesiastes 3:12.*

Our vision is to be an inspirational place of learning where:

- we facilitate opportunities so every child can flourish in a place where they feel safe, **happy and confident**.
- staff **well-being** and professional development is valued and supported in order to fulfil their roles, inspire others and experience personal **fulfilment**.
- the school provides facilities that enables an **optimum learning environment**.
- the **school plays a central role within our community** and enjoys strong **links with the church, local companies and other schools**.
- we create a culture of vigilance to safeguard all children

'I know that there is nothing better for people than to be happy and to do good while they live.'
Ecclesiastes 3:12

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Introduction

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

The procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.

All staff and volunteers should understand that if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff they must be reported straight away, to the Headteacher, or to the Chair of Governors in cases where the Head is absent or the subject of the allegation or concern.

This policy follows the Government guidance in Part 4 of Keeping Children Safe in Education.

Legislation

This guidance is based on: Working Together to Safeguard Children July 2018 and Keeping Children Safe in Education and relates to s175 of the Education Act 2002.

Section 175 of the Education Act 2002 – requires local education authorities and the governing bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. In addition, those bodies must have regard to any guidance issued by the Secretary of State in considering what arrangements they need to make for the purpose of that section;

Purpose

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and child protection procedures will be followed alongside this policy.

It is important to ensure that all allegations are examined objectively by someone independent of the school. Consequently, the local authority designated Officer (LADO) will be informed of allegations that come to the school's attention and appear to meet the following criteria.

It is alleged that a teacher or a member of staff (including supply teachers and volunteers) has:

- behaved in a way that has harmed a child, or may have harmed a child;

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

This will include cases of verbal abuse. It will also include allegations of abuse outside the School.

All allegations need to be considered with common sense and judgment. Many cases may not require police investigation or social care involvement, but instead be resolved by local arrangements; however, serious cases should be immediately reported to the Local Authority Designated Officer (LADO) and police where appropriate.

Supply Teachers

Schools have a responsibility to ensure allegations against supply teachers are dealt with appropriately. Under no circumstances should the school decide to cease using a supply teacher due to safeguarding concerns without establishing the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.

Where the supply teacher is engaged through an agency the Headteacher will immediately contact the agency.

The school will take the lead with any investigation as agencies do not have access to pupils or school staff so will not be able to investigate. Nor do they have all the relevant information required by the local authority designated officer (LADO) as part of the referral process.

Procedures

The following definitions must be used when determining the outcome of any allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

In the first instance the Headteacher will discuss the allegation with the LADO, the purpose of the discussion is to discuss the nature, content and context of the allegation and agree a course of action. If the police have not been immediately contacted the Headteacher will discuss with LADO the need for police involvement.

It may be that after the initial evaluation and sharing of information a decision is taken that no further action is required, in which case the decision and justification should be recorded. The Headteacher will then consult with LADO to discuss what further action should be taken in respect of the individual who made the allegation.

The Headteacher will inform the accused person about the allegation as soon as possible after consulting the Chair of Governors and the LADO, however where a strategy discussion is needed (where there is cause to suspect the child is suffering or likely to suffer significant harm), police and or Social Care may need to be involved and the head/chair of governors will not discuss with the accused until those agencies have been consulted, and have agreed what information can be disclosed to the person. Informing the accused may jeopardise an investigation by the police where they suspect that a criminal offence may have been committed.

If the person is a member of a union or professional association they should be advised to contact that organisation for support and advice after the strategy discussion.

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If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Headteacher will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB. The police will be consulted about any case in which a criminal offence may have been committed.)

The LADO and the Headteacher may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

Suspension

Suspension should not be the default position: an individual should only be suspended if there is no reasonable alternative. All options should be considered prior to suspension.

Suspension should only be considered where there is cause to suspect a child or other children at the School are at risk of harm and the case is so serious it may be grounds for dismissal; however suspension should not be considered automatically. Other options such as redeployment, providing an assistant to be with the individual when they are with children and moving a child considered at risk should be considered.

The Headteacher should consider the permanent professional reputational damage to an employee where an allegation is later to be found to be unsubstantiated.

If suspension is required the rationale and justification must be recorded. Where suspension is agreed upon the alternatives to suspension, and why these are not appropriate, must be recorded.

If an employee is suspended, written confirmation should be dispatched in one day, giving as much details regarding the reason for suspension. The individual will be informed of their point of contact.

Neither the local authority, the police, nor children's social care, can require a school to suspend a member of staff or a volunteer. The power to suspend is vested in the headteacher and the governing body of the school. The above authorities however can give their advice and recommendations.

Resignations

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up. The process of reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if the person does not cooperate.

A referral to the DBS must be made where the school believes the individual has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed if they had not left (the list of offences is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 37) (amended)).

Action in respect of False Allegations

If an allegation is determined to be false the matter may be referred to Children's Social Care to determine whether the child concerned is in need of services or may have been abused by someone else.

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If the allegation is shown to have been deliberately invented or malicious, the Headteacher should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

Supporting those Involved

Parents or carers of a child or children involved will be told about the allegation as soon as possible. They will also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution.

The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents/carers of the child will be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution Social Care and/or the police will be consulted by the Chair of Governors to consider what support the child or children involved may need.

Parents and carers should be made aware of the prohibition on reporting or publishing allegations about teachers in s 141 F of the Education Act 2002 (including publishing on social media). If parents wish to have these restrictions removed they should be advised to obtain legal advice.

The School has a duty of care to its staff. They should act in a way to minimise the inherent stress involved in such a process. Individuals should be informed of allegations as soon as possible (unless objections by police or social care).

A named representative will be appointed to keep the member of Staff under investigation informed of the progress of the case and give guidance on support available.

Social contact with colleagues and friends should not be prevented unless it can be shown to be prejudicial in respect of evidence collecting for the investigation.

If the person is suspended, the Chair of Governors and Headteacher will also keep the individual informed about developments at school. The person will be advised to contact their union or professional association at the outset.

Confidentiality

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

The Education Act 2011 provides reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused or a pupil at the School (where publication may lead to identification of the accused). The reporting restrictions apply until the person is charged with an offence or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. Reporting restrictions cease to apply if the accused individual waives their right to anonymity.

The Headteacher will take advice from the LADO on how to ensure confidentiality can be maintained.

Record Keeping

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

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.

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Where an allegation is found to have been malicious it will be removed from the individual's personnel files.

No reference will be made to any allegation which was found to be false, unsubstantiated or malicious in any future references.

Timescales

All investigations should be conducted as quickly as possible, but in a consistent and fair manner. Where it is immediately clear a complaint is false or unsubstantiated it should be resolved in 1 week (5 working days). Where matters are dealt with on a local level, if formal disciplinary action is not required, appropriate action should be instigated within 3 days. Where a disciplinary hearing is required (and no further investigation is required) this should be convened in 15 days.

Action on Conclusion of a Case

If a criminal investigation is conducted the police should inform the Headteacher and LADO of any investigation, trial or where an investigation is closed with a decision not to prosecute. The Headteacher will discuss with LADO the appropriate course of action, including disciplinary action.

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the Headteacher will determine with the LADO whether a referral to the DBS is required, or advisable. There is a legal requirement to make a referral to DBS where the school believes the individual has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed if they had not left (the list of offences is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 37) (amended).

Where the individual is a member of teaching staff a decision should be made whether to refer to the National College of Leadership and Teaching (NCLT).

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the school will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate.

The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

At the conclusion of a case where an allegation is substantiated the LADO will review with the Headteacher whether any improvements can be made to the School's policies or procedures to prevent similar issues arising in future. This should include decisions on suspension. The Headteacher and LADO will consider how future investigations should be carried out without suspending individuals.

This policy was adopted by Holy Trinity CE Primary School and agreed by the Finance and Resource Committee and ratified by the Full Governing Board.

Approved by.....on behalf of the School Governing Board.

Signature:.....

Date:.....

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