

# Rainow Primary School

*Caring, Learning, Achieving.*

## **DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS, OTHER STAFF, STUDENT TEACHERS AND VOLUNTEERS.**

Members of staff responsible:	Mark Bertinshaw
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Date to be reviewed:	Spring term 2018

### **INTRODUCTION**

This policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. This procedure should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) has:

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

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

### **INITIAL CONSIDERATIONS**

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

Some rare allegations will be so serious as to require immediate intervention by the local authority's social care services and/or police. The Local Authority Designated Officer (LADO) should be informed of all allegations that come to a school's attention and appear to meet the criteria so that they can consult police and local authority children's social care services as appropriate.

### **PROCEDURE**

In the first instance, the head teacher or chair of governors, will immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO, and the head teacher, to consider the nature, content and context of the allegation and agree a course of action.

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

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the headteacher and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The headteacher will then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

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

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened.

Where it is clear that an investigation by the police or local authority children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO will discuss the next steps with the head teacher and/or chair of governors. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Suspension should not be the default position –an individual should only be suspended if there is no reasonable alternative.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss this with the headteacher and chair of governors. In straightforward cases the investigation should normally be undertaken by the headteacher. However, the nature or complexity of the allegation may require an independent investigator provided through the Local Authority personnel team.

## **SUPPORTING THOSE INVOLVED**

As part of the duty of care to our employees, we will act to manage and minimise the stress inherent in the allegations and disciplinary process. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support.

We will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in our school, that may include support via the local authority. When employees are suspended they will be kept informed of both the progress of their case and current work related issues. Social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or local authority children's social care services need to be involved, the head should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

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

## **SUSPENSION**

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases that will require the school to consider suspending the person until the case is resolved. Suspension must not be an automatic response when an allegation is reported. If the school is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone.

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

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

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

Local authority children's social care services or the police cannot require a school to suspend a member of staff or a volunteer, although schools should give appropriate weight to their advice. The power to suspend is vested in the governing body of the school who are the employers of staff at the school.

## **CONFIDENTIALITY**

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

We will take advice from the LADO, police and local authority social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared
- How to manage speculation, leaks and gossip

- What if any information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if and when it should arise

## **RESIGNATIONS AND SETTLEMENT AGREEMENTS**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token so called 'settlement agreements', by which a person agrees to resign if the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate.

## **RECORD KEEPING**

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation resurfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## **REFERENCES**

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

## **TIMESCALES**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. We will investigate all allegations as a priority so as to avoid any delay.

For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss this with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the head teacher or principal 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.

### **OVERSIGHT AND MONITORING**

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

### **INFORMATION SHARING**

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

Wherever possible, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case. The local authority's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the school without delay.

### **ACTION FOLLOWING A CRIMINAL INVESTIGATION OR PROSECUTION**

The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the head teacher and chair of governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or the local authority social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS**

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to local authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the head teacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil.

This policy is based on the guidelines laid out the DfE document  
**'DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND**

**OTHER STAFF. GUIDANCE FOR LOCAL AUTHORITIES, HEAD  
TEACHERS, SCHOOL STAFF, GOVERNING BODIES AND  
PROPRIETORS OF INDEPENDENT SCHOOLS' 2011**