

**Date: November 2016****LT lead: HT**

The Governing Body of Blackfen School for Girls adopted this Allegations of Abuse against Teachers and Other Staff policy on 10<sup>th</sup> November 2016.

**Statutory Statement:**

This is statutory guidance from the Department for Education based on the publication Keeping Children Safe in Education (Sept 2016). This replaced the previous guidance which was Dealing With Allegations of Abuse by Teachers and Other Staff, reviewed April 2013. Blackfen School must have regard to it when carrying out duties relating to handling allegations of abuse against teachers and other staff. This policy relates to all adults working with children and young people, whether in a paid or voluntary position, including those who work with children on a temporary, supply or locum basis.

**Rationale:**

The purpose of this policy is to provide clarification on the procedures on dealing with allegations of abuse against teachers and other staff.

**Outcomes:**

Blackfen School has procedures for dealing with allegations. The procedures should make it clear that all allegations should be reported straight away, normally to the head teacher. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher, or in cases where the head teacher themselves are the subject of the allegation or concern. Procedures should also include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases. This will protect students in their learning environment and teachers and other staff in their workplace.

**Procedures:**

- If an allegation is made against a teacher, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.
- In response to an allegation, staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.
- It is extremely important that, when an allegation is made, Blackfen School maintains confidentiality and guards against unwanted publicity while an allegation is being investigated or considered.
- Blackfen School should take advice from the LADO, police and local authority social care services to agree who needs to know and, importantly, exactly what information can be shared
- Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.
- Students that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- Contact details for the LADO: James McMillan, Child Protection Team Manager.  
[LADO@bexley.gov.uk](mailto:LADO@bexley.gov.uk).

**Key Roles**

HT

DHT (Safeguarding)

**Related documents**

Safeguarding Policy

Behaviour Charter

Appendix 1:

**What is an ‘allegation’?** An ‘allegation’ refers to any information or concern which suggests an adult who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child;
- Possibly committed a criminal offence against, or related to, a child: or
- Behaved in a way that indicates s/he is unsuitable to work with children.

An allegation can arise in connection with your work, your own children or other children living outside the family, and can relate to a current or historical concern.

An allegation can be made in a number of ways:

- Directly by the child in person;
- Indirectly, for example by friends of the child;
- Complaint from a parent/carer to a Headteacher/Manager, Children’s Social Care or the Police;
- Report from a colleague or another agency;
- Anonymously.

**What happens when an allegation is made?** All allegations are taken seriously and acted upon. The management of allegations sits within an effective cycle of good practice which exists both to protect children and those who work with them. When an allegation is made, a senior manager/Headteacher will refer to the Local Authority Designated Officer\* (LADO), who has overall responsibility for the management of allegations. Together they will consider the nature, content and context of the allegation and agree the course of action to be taken.

\*Local Authorities are required to designate officers to be involved in the management and oversight of individual cases – this person is known as the ‘Local Authority Designated Officer’ (LADO). The LADO provides advice and guidance, liaises with the Police, Social Care Teams, regulatory bodies such as Ofsted and other organisations as needed and ensures a consistent, fair and thorough process for both child and adult.

**Any allegation that meets the threshold for ‘harm’ or ‘risk of harm’ will be reported to police and social care for investigation.** Investigations may have three related, but independent, strands:

- Enquiries and assessment by children’s social care regarding whether a child is in need of protection or in need of services;
- A police investigation into a possible criminal offence;
- Consideration by the employer of whether disciplinary action is necessary.

These three strands need to be thoroughly assessed and a definite conclusion reached on each of them. To ensure this happens, a ‘Strategy Meeting’ will take place to plan any enquiries, allocate tasks and set timescales. The meeting’s primary focus is on safeguarding and promoting the welfare of the child, but it’s also about ensuring a fair process for you, as the adult. It 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, harm. This could include your own children.

These meetings are held under the Local Safeguarding Children Board (LSCB) Procedures: they are not part of any disciplinary procedure. There may be circumstances in which the meeting could take place before you have been made aware of the allegation. Those invited to the Strategy Meeting include representatives from the Police and the relevant Social Care Teams, a named Senior Officer/Manager from your place of work and a Human Resources Advisor. In certain circumstances, representatives from Health and Education professionals involved with the child also are invited.

All relevant information will be shared and decisions made about what actions are to be taken next. For employees, if the initial evaluation establishes that a Police or Social Care investigation is not required, the matter may still need to be dealt with under disciplinary procedures. One reason for this is that the burden of proof in criminal cases is “beyond reasonable doubt” whereas the threshold of “the balance of probabilities” applies to disciplinary proceedings.

Please be assured that any subsequent investigations will be conducted as speedily as possible, but of course this has to be balanced against the need for a thorough and fair process. Your views will be represented and shared through any applicable investigation processes by the Police, Social Care Team and your employer.

**Cases subject to Police Investigation:** If a criminal investigation is required, the Police will set target dates for reviewing progress and for consulting with the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge you with an offence or to close the case. In almost all cases where the Police decide,

- i) not to charge you
- ii) to administer a Caution, or
- iii) if a court acquits you

they will still pass all information that would be relevant to a disciplinary case (such as statements) to either the LADO or your manager. If you are convicted of an offence, the Police will inform your employer straight away.

**Disciplinary Investigation:** If a Disciplinary Investigation is to take place, the investigation will take place in accordance with your organisation’s Disciplinary Procedure (which you will be provided with a copy of). In some cases you will have been told not to attend work whilst the investigation is in progress. This is called ‘suspension’ from duties. Suspension will not take place without careful thought and consideration being given to other suitable alternatives, such as a transfer of duties or additional supervision. Suspension acts as a protection to both the child/children involved and yourself. It is a ‘neutral’ act, meaning that its use does not mean you are considered blameworthy of the allegation.

## Frequently Asked Questions

**Will anybody else be notified?** Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated and considered. However, alongside the Police and Social Care, there will be a need for a small number of people to be informed that an allegation has been made and the likely course of action:

- The child/young person concerned, their parents/carers and any party making an allegation;
- You – at the appropriate time;
- Your manager;
- In schools, the Chair of Governors;
- The Local Authority Designated Officer;
- Potentially the relevant regulatory body e.g. Ofsted and/or
- Your professional body e.g. the General Medical Council (GMC)
- The Disclosure and Barring Service (DBS) (formerly the Independent Safeguarding Authority (ISA)).

Where there is concern the matter has or may become common knowledge or subject to speculation, it may become necessary to issue a brief statement for parents, children and members of the public.

**Where will I get support? :** You will be:

- i) advised to contact your Trade Union representative and/or professional association;
- ii) offered the services of a Staff Counselling Service, if available.

Employees and **volunteers** will be kept informed of the progress of the case by their line manager, or suitable person designated by them.

**Will I be informed of the outcome of the Strategy Meeting?** Depending on the scope and scale of the investigation/s, more than one Strategy Meeting may be needed before an outcome can be arrived at. At the final Strategy Meeting, the outcome of Police and Social Care enquiries will be discussed with your employer and consideration given as to whether you pose a risk to children and your suitability to work with children in your current position.

Recommendations will be made to your employer about the level of risk and/or any training issues that may have been identified. Where an allegation has been made but the threshold for harm is not met, your manager may deal with the issue as an internal matter. Where an allegation has been substantiated this may not always result in dismissal, but additional training and monitoring may be necessary.

In the event that you are dismissed from your post because of a safeguarding concern, your employer has a statutory duty to refer you to the Disclosure and Barring Service (DBS) for consideration as to whether barring you from working with children is appropriate.

**What if I resign during the disciplinary investigation?** It is important that every effort is made to reach and record a conclusion in all cases of allegations bearing on the safety or welfare of children, and so a resignation would not prevent an allegation from being followed up and considered through the LADO process. Any requests for references will be honoured but the employer has a duty to mention the current disciplinary process. In addition, your employer has a statutory duty to refer you to the Disclosure and Barring Service (DBS) if he or she considers the outcome of the disciplinary could have been dismissal. The DBS will then do their own investigation as to whether you should be barred from working with children.

**What about my return to work?** Where it is decided that you can return to work, your employer will consider how best to facilitate this. This may include a phased return.

**Will the details of the allegation stay on my personal employment file?** Details of allegations that are found to have been malicious or deliberately invented should not be retained on personnel records. A clear and comprehensive summary of all other allegations made, a chronology of events and decisions reached will be kept on file at least until you reach normal retirement age, or for 10 years if that is longer. This applies even if you leave. The purpose of this record is to:

- provide clarification in cases where a future DBS check reveals information from the Police that an allegation was made but did not result in a prosecution or conviction;
- enable an accurate response to be given to any future request for a reference;
- prevent unnecessary re-investigation if allegations resurface after a period of time.

**Will the details of an allegation appear on my DBS Disclosure Certificate?** Yes if the allegation results in a criminal charge, caution or conviction. However, it is also possible there may be reference to an allegation that did not result in a criminal charge or conviction on a future Enhanced DBS Disclosure Certificate. Such information would be disclosed at the discretion of a senior individual within the Police Force.

**False allegations:** Allegations deemed to be malicious or deliberately invented should be referred to the LADO, and consideration will be given to a referral to Social Care for assessment. This is to rule out the possibility that the child is being abused elsewhere and displacing blame. Experience shows that false/malicious allegations are not the norm: there is often misunderstood /misinterpreted behaviour of the adult, or the child is aggrieved in some way at treatment received. In the event that an allegation is shown to have been invented or malicious, the Headteacher/Senior Manager should consider whether disciplinary action against the individual who made it is appropriate. The Police may also be asked to consider further action, taking into account the circumstances.

## **Where can I get more information?**

Keeping children safe in education – Sept 2016

Your Manager/Human Resources Advisor

The Disclosure and Barring Service

<http://www.dbs.homeoffice.gov.uk/>

## **Key Legislation**

Children Act 1989

Education Act 2002

Children Act 2004 – Every Child Matters, Change for Children

Safeguarding Vulnerable Groups Act 2006

The Employment Act 2008

Keeping Children Safe in Education (2016)

Working Together to Safeguard Children 2013

The Protection of Freedoms Act 2012

The Sexual Offences Act 2003

The Children and Families Act 2014

The Education (Independent School Standards) Regulations 2014