



# Allegations of abuse against teachers and other staff Policy

Head Teacher: Mr M Brown

Chair of Governors: Mr S Fitz-Gerald

	Date	Name	Signature
Policy Date	December 2019		
Review Date	December 2020		
Review Period	Annually		
Lead Person	DHT, Welfare and Behaviour	Sarah Cascarino	
Prepared by	DHT, Welfare and Behaviour	Sarah Cascarino	
Verified by	Head Teacher	Matthew Brown	
Approved by	Chair of Governors	Stuart Fitz-Gerald	

The Governing Body of Blackfen School for Girls adopted this Allegations of Abuse against Teachers and Other Staff policy on 12th December 2019.

# Blackfen School for Girls

## Statutory Statement:

This is statutory guidance from the Department for Education based on the publication Keeping Children Safe in Education (Sept 2019). 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 fixed term 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 is temporarily not the LADO. There are two people currently covering LADO, please see below:

Patience Idowu - 02030454199 - [Patience.Idowu@bexley.gov.uk](mailto:Patience.Idowu@bexley.gov.uk)

Rozelle Uter - 02030454553 - [Rozelle.Uter@bexley.gov.uk](mailto:Rozelle.Uter@bexley.gov.uk)

## Key Roles

HT

DHT (Safeguarding)

## Related documents

Safeguarding Policy

Behaviour Charter

# Blackfen School for Girls

## 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 she/he is unsuitable to work with children.

2. 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 Head teacher/Manager, Children's Social Care or the Police.
- Report from a colleague or another agency.
- Anonymously.

3. **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/Head teacher 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.

# Blackfen School for Girls

## Appendix 1: allegations of abuse made against staff

This section of this policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

### Point 1.

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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 to children.

### Point 2.

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

## Suspension

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children.
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted.
- Temporarily redeploying the individual to another role in a different location.

## Definitions for outcomes of 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 (this does not imply guilt or innocence).
- Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

## Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the head teacher (or chair of governors; where the head teacher is the subject of the allegation) – the ‘case manager’ – will take the following steps:

### Point 3.

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children’s social care services. (The case manager may, on occasion, consider it

# Blackfen School for Girls

necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police).

- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children’s social care services, where necessary). Where the police and/or children’s social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children’s social care services, as appropriate.
- If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.
- If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children’s social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. The individual is advised to contact their union. The school also has a counselling service and details of this are provided for the individual.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children’s social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the governing board will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school’s disciplinary process, should this be required at a later point.

## Timescales

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.

# Blackfen School for Girls

- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

## **Specific actions**

### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the head teacher, or other appropriate person in the case of an allegation against the head teacher, will consider whether any disciplinary action is appropriate against the student(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a student.

### **Confidentiality**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.

### **Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation.
- Details of how the allegation was followed up and resolved.
- Notes of any action taken and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

# Blackfen School for Girls

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

## References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.