

# The Federation of the Church Schools of Shalfleet and Yarmouth

## Achieving Together for a Brighter Future



# MANAGING ALLEGATIONS OF ABUSE A STATEMENT OF POLICY

Approved by	DD
Portfolio	Staff
Approved on	Autumn 2020
Review date	Autumn 2021
Review Cycle	1 Year

Signed \_\_\_\_\_

Date \_\_\_\_\_

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## **1. Introduction**

Schools are under a duty to promote and safeguard the welfare of children at school and to have regard to guidance issued by the Government. The Federation accepts the guidance set out in 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (2018)' and Keeping Children Safe in Education (September 2020 Update) which sets out the framework for managing cases of allegations of abuse against people who work with children.

The Federation has a duty of care to their employees. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, 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. The procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.

This policy and procedure will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) 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 s/he is unsuitable to work with children. This will include cases of verbal abuse.

All members of staff in the school will be made aware of this policy during induction.

## **2. How concerns arise**

Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:

- A direct allegation by a pupil or a third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In any case, the concern must be reported to the Headteacher immediately unless the allegations are against the Headteacher in which case the allegation should be reported to the Chair of Governors.

As this is a statutory duty we expect all members of staff in the Federation, where they have concerns, to report them in accordance with this policy.

## **3. Initial action**

The Headteacher or Chair of Governors will ensure they have a full understanding of what is being alleged from the member of staff that reported the allegation or third party and will only speak to the child if it is unavoidable or if it is the child making the allegation.

The Headteacher or Chair of Governors will establish that:

- An allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

The procedures for dealing with allegations will be applied with common sense and judgement. Many cases may well either not meet the criteria set out above in section 1, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements will be followed to resolve cases without delay.

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

The following definitions will be used when determining the outcome 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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

#### 4. Consultation and referral

If the allegation meets any of the criteria set out under section 1, the Headteacher or Chair of Governors must discuss the allegation with the LADO, to consider the nature, content and context of the allegations and agree a course of action. This may include:

- Involving the police
- Involving social care services
- The making of further enquiries and by whom
- The process of informing the parents if they are not already aware of the allegation
- The informing of the accused person and what information may be disclosed.

The initial sharing of information and evaluation may lead to a decision that no further action will be taken in regard to the individual facing the allegation or concern. In this case, school and the LADO will keep appropriate records of this decision and agree upon what action will follow in respect of the individual and those who made the initial allegation.

If it is unclear whether the threshold has been reached the Headteacher or Chair of Governors can consult the MASH Team before a formal referral is made.

#### 5. Strategy meeting

Following the referral to the LADO a strategy meeting may be convened in accordance with the 'Working Together to Safeguard Children' guidance.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- Consideration by the school of disciplinary action in respect of the individual.

The Headteacher or Chair of Governors will attend any strategy meeting on behalf of the school and support the actions arising from that meeting.

#### 6. Supporting those involved

The Governors have a duty of care to their employees. They will act to manage and minimise the stress inherent in the allegations process. Support for the individual concerned is vital to fulfilling this duty. Individuals will 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 children's 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.

The Headteacher or Chair of Governors 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. Particular care will be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends will 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 will 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 children's social care services

need to be involved, the Headteacher or Chair of Governors will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

Parents or carers will 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 will be told the outcome **in confidence**.

Parents and carers will also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

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

## **7. Suspension**

The possible risk of harm to children posed by an accused person will be evaluated and managed in respect of the child(ren) involved in the allegation, and any other children in the accused individual's home, work or community life.

Suspension will be considered in any case where:

- There is a cause to suspect a child or children are at risk of harm
- The allegation warrants formal investigation by the police
- There is a likelihood that evidence may be tampered with, or witnesses intimidated
- The allegation is so serious that it might be grounds for dismissal

The Federation will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. In deciding whether to suspend a member of staff, the school will consider advice given by the LADO, HR adviser or at a strategy meeting and any risk assessment considering alternatives to suspension. The Federation will also consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification will be agreed and recorded by both the Headteacher or Chair of Governors and the LADO. This will also include what alternatives have been considered and why they were rejected. Written confirmation of the suspension will be dispatched within one working day, giving as much detail as appropriate for the reasons of the suspension.

## **8. Resignations and compromise agreements**

Where a person under investigation resigns or ceases to provide their services, the investigation into the allegation will still be completed in accordance with the guidance. A referral to the DBS will be made when the relevant criteria are met as referred to in the guidance (paragraph 73).

Every effort will be made to reach and record a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

The Federation will not enter into 'compromise agreements' by which if a person agrees to resign, the school agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.

## **9. Record keeping**

If anyone in the Federation has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the Headteacher or Chair of Governors as soon as practicable using the appropriate form (Appendix 1).

The Headteacher or Chair of Governors will ensure that:

- A clear and comprehensive summary of any allegations made
- Details of how the allegation was followed up and resolved
- 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 checks 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 re-surfaces after a period of time. The record will be retained under the rules of GDPR and Data Protection Policies.

Only details of allegations that are found to have been malicious will be removed from personnel records.

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references.

## **10. Actions on conclusions of a case**

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 his or her services, the Headteacher or Chair of Governors will discuss with the LADO and HR adviser whether the school will need to make a referral to the DBS for consideration of inclusion on the barred list and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership to consider prohibiting the individual from teaching.

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. The employee will be offered 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.

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

## **11. Timescales**

The Federation will endeavour to follow the timescales set out in the guidance for such allegations as long as this is consistent with a fair and thorough investigation. For cases where it is clear that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a criminal offence the school will aim to institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## 12. Oversight and monitoring

The Federation will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations; liaison with the LSCP and managing inter-agency issues.

The Federation will co-operate in supplying statistical information required by the LADO for DfE returns and LSCP monitoring purposes.

## 13. Confidentiality

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated and considered. The school is aware of and accepts the reporting restrictions introduced in the Education Act 2011.

No one in the school may provide any information to the press or media or use social media in such a way that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence or when they waive the right themselves by speaking out.

The Headteacher or Chair of Governors will take advice from the LADO, police and children's 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; and
- how to manage press interest if and when it should arise.

***This policy should be read in conjunction with the school's Child Protection Policy, Data Protection Policy and in line with the GDPR regulations***

## 14. Relevant contact details:

MASH Team  
Children's Services Centre  
Tel: **01329 225 379**

Local Authority Designated Officer (LADO)  
Amanda Sheen  
Floor 3  
County Hall  
High Street  
Newport PO30 1UD  
Telephone 01983 823 723

Working together to safeguard children (2018)

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Keeping children safe in education (September 2020)

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>