

Hartismere Family of Schools



Statement of Procedures for Dealing with Allegations of Abuse Against Staff

Policy No 20

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APPENDIX A

1. Summary

1.1 It is essential that any allegations of abuse made against a person who works with children and young people including those who work in a voluntary capacity are 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 framework for managing allegations is set out in Working Together to Safeguard Children [WT] and Part 4 of Keeping Children Safe in Education (KCSIE).

1.2 This procedure explains how the process should be applied at schools within the Hartismere Family of Schools.

2. Introduction and Scope

2.1 The framework for managing cases set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to suspect a child is suffering, or likely to suffer, significant harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in their present position, or in any capacity. This may be due to concerns about the person's conduct in their personal or professional life that might indicate their unsuitability to work with children. It should be used in respect of all allegations that are consistent with the guidance in WT i.e. cases in which it is alleged that a person 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;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, or
- behaved in a way that indicates s/he is unsuitable to work with children.

2.2 These procedures are for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against or have concerns regarding the behaviour of another member of staff, volunteer or visitor. This information must be explicit in service procedures and made available to all members of staff, regular visitors such as supply staff and contractors, volunteers and service users.

All procedures should make clear that all allegations should be reported without delay and within one working day to the senior leader or staff member with operational responsibility for dealing with allegations.

All procedures should also include the contact details for the LA Designated Officer(s) (LADOs) responsible for providing advice and monitoring cases. A list of these can be found at the end of this document.

2.3 If we receive an allegation of an incident happening while an individual or organisation was using the school premises to run activities for children, we will follow our safeguarding policies and procedures and inform the LADO.

2.4 Abuse can be reported, no matter how long ago it happened. We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations. Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

2.5 There may be three 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 an employer of disciplinary action in respect of the individual

3. Supporting Those Involved

3.1 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 about it. How this is done and by whom will be decided during the initial consideration of the allegation. See section 9 for further details.

They should also be kept informed of the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Note that 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 should be told the outcome. In deciding what information to disclose, careful consideration should be given to duties under the GDPR and Data Protection Act 2018, the Law of Confidence and, where relevant, the Human Rights Act 1998.

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

3.3 A senior manager from the school should also keep the person who is subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. The individual's union or professional body, occupational health services or any other employee welfare arrangements, may provide this support. In any case, if the individual is a member of a trade union, they should be advised to make contact with their trade union at the outset of the investigation.

If the person has been suspended, the senior manager should also keep the individual informed of developments.

3.4 Where the police are involved, wherever possible, the school 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. The school will take great care in ensuring that its disciplinary process does not compromise or influence any police investigation being undertaken.

4. Confidentiality

4.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity whilst an allegation is being considered or investigated. In association with the National Police Chiefs' Council (NPCC), the police will not normally be expected to provide

any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional matters where the police may depart from that rule, for example an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand).

4.2 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.

5. Resignations and Compromise Agreements

5.1 The fact that a member of staff tenders their resignation, or ceases to provide services, must not prevent an allegation being followed up in accordance with this procedure. It is important that every effort is made to reach a conclusion in all cases of allegation that have a bearing on the safety or welfare of children. This includes any allegation whereby the individual refuses to cooperate with the process.

5.2 Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. 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 the person does not cooperate. It may be difficult to reach a conclusion in those circumstances.

5.3 Disciplinary procedures and subsequent sanctions may not be possible if a person's notice period expires prior to the end of the investigation, but it is important that a conclusion is reached and recorded wherever possible.

5.4 Compromise agreements, by which the person agrees to resign from the school's employment in order to avoid disciplinary action, should not be used in situations where the individual is subject to investigation under child protection procedures. There must not be any agreement by which the employer agrees to the content of a future reference. In any event, any agreements which are reached will not prevent a thorough police investigation, where that course of action is appropriate, nor will it override the statutory duty to make a referral to the Disclosure and Barring Services (DBS) barred lists.

6. Record Keeping

6.1 It is important that senior managers keep a clear and comprehensive summary of any allegations made, details of how and who followed the allegation up and any resolution and conclusion. The record should include details of any action taken and all decisions reached.

6.2 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.

6.3 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.

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

6.5 A central record of allegations made that progress to a strategy meeting shall be maintained by the Designated Safeguarding Lead (DSL) on behalf of partner organisations of Suffolk Safeguarding Partnership.

6.6 The school will retain a record of all advice and guidance given relating to allegations against any member of staff or volunteer which do not fulfil the criteria for a full referral to an external organisation. Notes of all strategy discussions and outcomes will be maintained centrally.

7. Timescales

7.1 It is in everyone's best interests to resolve cases as quickly as possible, with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Timescales are shown for different actions [paragraph 11 below]. Although these are not performance indicators and it is accepted that the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, they provide useful targets to aim for that are achievable in most cases.

7.2 Working Together to Safeguard Children states that it is reasonable to expect that 80% of cases should be resolved within one month and that 90% of cases within three months, and all but the most exceptional cases should be completed within twelve months.

8. Oversight and Management

8.1 The school should have a senior manager within the organisation to whom allegations or concerns that a member of staff, volunteer or visitor may have abused a child should be reported. In the case of allegations against the Headteacher these should be referred to the Chair of Governors. All procedures should make sure that all staff and volunteers know whom the person is. Procedures should also include a named alternative person in the absence of the senior manager, or in cases where that person is the subject of the allegation or concern.

8.2 Allegations against education staff may be passed to one of the Local Authority Designated Officers who are responsible for having oversight of the procedures and dealing with allegations, resolving any interagency issues, and for liaison with Suffolk Safeguarding Partnership on the subject.

9. Key Points

9.1 If an allegation is made against a teacher, the quick resolution of that allegation should be a clear priority for the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

9.2 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.

9.3 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.

9.4 Pupils 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).

9.5 All schools should have procedures for dealing with allegations. The procedures should make it clear that **all allegations should be reported straight away, normally to the Headteacher(s)**. The procedures should also identify the person, often **the Chair of Governors, to whom reports should be made in the absence of the Headteacher(s), or in cases where the Headteacher(s) 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.

10. Initial Considerations

10.1 Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to social care and the police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by children's social care. However, it is important to ensure that even apparently less serious allegations are followed up, and that this may mean being examined objectively by someone independent of the organisation concerned.

10.2 A 'case manager' will lead any investigation. This will be the Headteacher, or the Chair of Governors where the Headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity. The Headteacher should first establish that the allegation is within the scope of these procedures [see paragraph 2.1] and may have some foundation. If the parents/carers of the child concerned are not already aware of the allegation, the school will also consider how and by whom they should be informed. In some circumstances, a senior manager may need to advise parents of an incident involving their child straight away, e.g if the child has been injured while in the organisation's care and requires medical treatment.

10.3 The senior manager should inform the accused person about the allegation as soon as possible after consulting the LADO where this is appropriate. However, where a strategy discussion is needed, or it is clear that police or children's social care may need to be involved, that should not be done until those agencies have been consulted and have agreed the information that can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation.

10.4 If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be sought without delay.

10.5 The initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. In cases where a police investigation is necessary, the joint evaluation should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

10.6 In some circumstances, options open to the senior manager range from taking no further action, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate.

10.7 In some cases, further investigation is needed to enable a decision about how to proceed. The investigation should normally be undertaken by the school. However, in some circumstances appropriate resources may not be available in the school, or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.

10.8 Decisions relating to the continuing use of an employee, volunteer or visitor's services will be reliant on the outcome of investigations and subsequent information. The investigation, for this purpose, will be undertaken by the Headteacher. The Headteacher may consult with the LADO as to how the investigation is best carried out.

11. Action Following Initial Consideration

11.1 If the nature of the allegation does not require formal disciplinary action, the employer, senior manager or organisation should institute appropriate action without undue delay. 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 LADO what information to 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.

11.2 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

11.3 Where further investigation is required to inform consideration of disciplinary action, the employer or senior manager of the organisation should discuss who will undertake this task with the LADO. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by someone who is independent of the place of employment or setting. In any case the investigating officer will aim to report to the employer or senior manager of the organisation within 10 working days.

11.4 On receipt of the investigation findings, the employer, or senior manager of the organisation should consult with the LADO to decide whether a disciplinary hearing is needed within two working days. If a hearing is required it should be held within 15 working days.

11.5 In any case where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the school should take into account

any relevant information obtained through the course of the investigation when considering any disciplinary action.

11.6 If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures:

- We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The senior manager will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation.
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).

11.7 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, or to cause harm to the subject of the allegation
- 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 that supports the allegation being made

12. Suspension

12.1 The possible risk of harm to children posed by an accused person needs to be managed and evaluated. The evaluation will be in respect of the child/ren involved in the allegation and any other children in the individuals home, work or community life. In some cases it will require consideration to be given to the use of suspension for the person involved in the allegation. This may be until the matter is resolved.

12.2 Suspension will be considered in any matter where there is cause to suspect that a child is at risk of significant harm, or the allegation warrants a police investigation. Suspension will also be considered if the allegation is of such a serious nature that the behaviour might be grounds for dismissal. If immediate suspension is considered necessary, the Headteacher/ senior manager will agree and record the rationale for this with the LADO. 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.

12.3 An employee, volunteer or visitor must not be automatically suspended without careful thought and consideration of the circumstances of the allegation. In making the

decision, the Headteacher must consider whether the person should be suspended from contact with children for the duration of the investigation, or until resolution has been reached. In any case, alternatives to suspension should be explored and advice may be sought from the LADO. If the allegation has been referred and a strategy meeting is to be convened, it will be a task of the strategy meeting to consider the facts of the allegation. For staff, volunteers and visitors to education settings, this responsibility is vested within the responsibility of the Headteacher and Governing Body.

12.4 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.

13. Monitoring Progress

13.1 The Headteacher/ senior manager will regularly monitor the progress of the case. All review information must be accurately recorded.

13.2 If the matter is of sufficient seriousness and a strategy meeting decides that the criteria for a police enquiry has been met, the police may also set a target review date to ascertain the progress of the police investigation. This may include consultation with the Crown Prosecution Service about whether to charge the person, continue the investigation or take no further action. The target should be no more than 4 weeks after the initial evaluation. If the investigation continues beyond this time, review dates should be set at monthly intervals. The school expects externally involved organisations to follow these best practice time scales.

14. Concerns that do not meet the harms threshold

14.1 This section is based on part four of Keeping Children Safe in Education and applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in chapter 2 above.

14.2 The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

14.3 We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns as per these procedures
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

14.4 The Headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

14.5 All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

14.6 Records will be reviewed so that potential patterns of concerning or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through its disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1, we will refer it to the designated officer at the local authority.

14.7 Records will be:

- Kept confidential, held securely and comply with the Data Protection Act 2018 and the UK GDPR
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

14.8 We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues that would ordinarily be included in a reference, such as misconduct or poor performance

APPENDIX A

LADO Contact Details

Local Authority Designated Officers can be contacted for advice and consultation via:

Email on: LADO@suffolk.gov.uk

LADO central telephone number: 0300 123 2044

Or by visiting the Suffolk Children and Young Peoples Portal:

<https://cypportal.suffolk.gov.uk/web/portal/pages/home>