

Allegations of abuse against staff

ReFocus



Approved by:	Paula Tucker Headteacher	Date: 29/04/2024
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1. Policy Statement

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

- 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- Exhibited behaviour that may be graded “Low-level” as described in KCSIE 2021 ie the staff member has acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work

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.

2. “Low-level” concerns

The term “low-level” concern does not mean that it is not significant, it means that the behaviour towards a child does not meet the threshold set out in KCSIE 2021 paragraph 338. A low-level concern is any concern – no matter how small, and even if no more than a causing a sense of unease or a nagging doubt – that an adult working in or on behalf of the school may have acted in a way that is

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work: and
- Does not meet the allegation threshold or is otherwise not considered serious enough to consider a referral to the LADO

Example behaviours include, but are not limited to:

- being over 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; or,
- using inappropriate sexualised, intimidating or offensive language

Staff should be encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards

The aim of this policy is to both empower staff to share low-level safeguarding concerns with the headteacher or

designated safeguarding lead (or a deputy) and to effectively support the individual to address and correct unprofessional behaviour at an early stage. Thereby providing a responsive, sensitive and proportionate procedure for handling of such “low-level” concerns

Records must be maintained around “low-level” concerns so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and any wider cultural issues within the school that enabled the behaviour to occur can be addressed through additional training delivered to minimise the risk of it happening again.

3. 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. (See appendix 1 for flow chart of decisions and actions in the case of:

Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteer and Allegation in regard to Low level behaviours made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteer).

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/carers have been consulted

4 Definition 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.

5 Procedures for dealing with allegations

5.1 In the event of an allegation that meets the criteria for harm, the Headteacher (or chair of governors where the Headteacher is the subject of the allegation) – or allocated senior ‘case manager’ – will take the following steps:

- 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 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 one 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. For example, the contact details for "Employee Assist" will be shared
- Inform the parents/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/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
- Where there is no criminal prosecution arising, keep the parents/carers of the child/children involved informed of the progress of the case and the outcome, 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.

5.2 Timescales

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within one calendar week

- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within three working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days

5.3 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 Headteacher, or other appropriate person in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(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 pupil.

5.4. In the event of an allegation that doesn't meet the criteria for harm but can be described as causing "low level" concern, the Headteacher (or chair of governors where the Headteacher is the subject of the allegation) –or allocated senior 'case manager' – will take the following steps.

- Review if the staff members conduct is inconsistent with the staff code of conduct including inappropriate conduct outside of work: or it is otherwise not considered serious enough to consider a referral to the LADO
- Identify the steps that need to be taken to address the unprofessional behaviour and support the individual to correct it at an early stage.
- Ensure that the low-level concerns are recorded in writing including

Name of individual reporting the concern (if the individual wishes to remain anonymous that this should be respected as far as reasonably possible)

Context in which the concern arose

Action taken

- Records must be kept confidentially and securely and comply with the Data Protection Act 2018.
- Reports about supply staff and contractors should be notified to their employer

5.5 Timescales

- In the case of “low-level” concerns it is expected that any decision on steps needed to address and correct unprofessional behaviours will be communicated within one calendar week.

5.6 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/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.

6 Record-keeping

6.1 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)

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 In the case of “low-level” concerns these will be recorded in writing. Records will be retained confidentially until the individual leaves the school. Reports about supply staff and contractors should be notified to their employer.

7 References

When providing employer references, we will not refer to any allegation that has been proven to be false,

unsubstantiated or malicious, any history of allegations where all such allegations have been proven to be false,

unsubstantiated or malicious or any specific or individual “low-level” concerns.

8 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).

9 Policy Review

9.1 This policy will be monitored annually by the Headteacher's internal review and reviewed as required by legislature changes.