

ALAMEDA MIDDLE SCHOOL



Ambitious  Motivated
Confident to Soar

ALLEGATIONS OF ABUSE AGAINST STAFF

DOCUMENT STATUS

ORIGINAL AUTHOR	Headteacher
DATE OF PRODUCTION	January 2024
CURRENT STATUS	Approved
REVIEWING BODY	Resources
REVIEWED ON	February 2024
DATE FOR NEXT REVIEW	February 2027
RELATED POLICIES (IF ANY)	Whistleblowing Child Protection and Safeguarding Staff Disciplinary



TABLE OF CONTENTS

1. INTRODUCTION1

2. SUSPENSION1

3. DEFINITIONS FOR OUTCOMES OF ALLEGATION INVESTIGATIONS2

4. PROCEDURE FOR DEALING WITH ALLEGATIONS2

5. CONFIDENTIALITY5

6. RECORD-KEEPING5

7. REFERENCES6

8. LEARNING LESSONS6

ALLEGATIONS OF ABUSE AGAINST STAFF

1. INTRODUCTION

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

1. Behaved in a way that has harmed a child, or may have harmed a child, or
2. Possibly committed a criminal offence against or related to a child, and/or
3. Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school.

If we are in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

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.

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

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 our LADO.

Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

2. 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:

1. Redeployment within the school so that the individual does not have direct contact with the child or children concerned
2. Providing an assistant to be present when the individual has contact with children
3. Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
4. 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
5. Temporarily redeploying the individual to another role in a different location.

ALLEGATIONS OF ABUSE AGAINST STAFF

If in doubt, the case manager will seek views from the school's HR adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

3. DEFINITIONS FOR OUTCOMES OF ALLEGATION INVESTIGATIONS

1. **Substantiated:** there is sufficient evidence to prove the allegation
2. **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
3. **False:** there is sufficient evidence to disprove the allegation
4. **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
5. **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

4. PROCEDURE FOR DEALING WITH ALLEGATIONS

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

1. Conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
2. Discuss the allegation with the designated officer at the local authority (LADO). 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)
3. 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
4. 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, police and/or children's social care services, as appropriate
5. Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care
6. 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

ALLEGATIONS OF ABUSE AGAINST STAFF

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

7. **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
8. **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
9. 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 consider what other support is appropriate. Advice is available from Trade Unions and support can also be sought from smart clinic <https://smartclinic.com/client-area/>.
10. 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
11. Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
12. 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 National College for Teaching and Leadership.

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.

Additional considerations for supply teachers and all contracted staff

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

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- The Headteacher will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation

ALLEGATIONS OF ABUSE AGAINST STAFF

- 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 considered (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

4.1 Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

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

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

4.2 Specific actions

4.2.1 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, considering information provided by the police and/or children's social care services.

4.2.2 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 will 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 school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

4.2.3 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.

ALLEGATIONS OF ABUSE AGAINST STAFF

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.

4.2.4 Unsubstantiated, unfounded, false or Malicious Allegations

If an allegation is:

Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate

Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

5. 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

6. 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.

Any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- 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 the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

ALLEGATIONS OF ABUSE AGAINST STAFF

We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

7. REFERENCES

When providing employer references, we will:

Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious

Include substantiated allegations, provided that the information is factual and does not include opinions

8. LEARNING LESSONS

After any cases where the allegations are *substantiated*, the case manager 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):

- An analysis of how the incident(s) was/were permitted to occur and were not prevented or detected by procedures or practice
- 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
- For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

Non-recent allegations

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.