

Allegations of abuse made against staff guidance

Policy Title:	Allegations of abuse made against staff
Academic Year:	2020-2022
Policy Reference:	ER1.1
Description:	Procedures for dealing with allegations of abuse made against staff, supply staff and volunteers
Status:	To be approved by PERS - Management Committee
Category:	Statutory
Review frequency:	Every 2 years
Contact:	Head teacher, Chair of Governors
Version:	V2- (V1 was adapted from the West Berkshire model)
Who was consulted:	LA, Staff and governors
Other relevant policies:	See item 12 KCSIE Sept.2020 Part four: <i>Allegations of abuse made against teachers, and other staff, including supply teachers and volunteers.</i>
Acronyms:	MC - Management Committee TLC - Teaching & Learning Committee SWC - Safeguarding & Wellbeing Committee FC – Finance Committee H&SPC - Health & Safety and Premises Committee PERS - Personnel Committee LA - Local Authority WBC - West Berkshire Council HT – Head teacher SLT – Senior Leadership Team LADO - Local Authority Designated Officer STPCD - School teachers pay and Conditions Document
Date for Review:	Nov 2022

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1: Key contact list for Allegations of abuse made against staff guidance

Key contacts within the Local Authority Berkshire BWSCP Procedures: http://berks.proceduresonline.com/			
Headteacher	Jacquie Davies	01635 528048 / 07833191057	jdavies@icollege.org.uk
Chair of Governors	Maureen Sims	01635 48872	msims@icollege.org.uk
Safeguarding Governor	Maureen Sims		msims@icollege.org.uk
Clerk to Governors	Jill Hills		jhills@icollege.org.uk
Address for HT, all governors and clerk	Independence, Richmond House, Bath Road, Newbury Berkshire RG14 1QY		
LADO (Local Authority Designated Officer)		01635 503153	lado@westberks.gov.uk

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CAAS (Contact, Advice and Assessment Service)		01635 503190	child@westberks.gov.uk
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2: Purpose	<p>This section of the policy applies to all cases in which it is alleged that a current member of staff, supply staff or volunteer has:</p> <ul style="list-style-type: none"> 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 <p>It applies regardless of whether the alleged abuse took place in iCollege. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.</p> <p>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.</p> <p>Our procedures for dealing with allegations will be applied with common sense and judgement.</p>
3: Suspension	<p>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.</p> <p>Based on an assessment of risk, we will consider alternatives such as:</p> <ul style="list-style-type: none"> 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, for example to an alternative school or other work for the Local Authority.
4: Definitions for outcomes of allegation investigations	<p>Substantiated: there is sufficient evidence to prove the allegation</p> <p>Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive</p> <p>False: there is sufficient evidence to disprove the allegation</p> <p>Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)</p>

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<p>5: Procedure for dealing with allegations</p>	<p>5.1 Immediate actions</p> <p>In the event of an allegation that meets the criteria, in item 3 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: This procedure should be used in all cases in which it is alleged a member of staff, supply staff or volunteer in a school, or another adult who works with children has:</p> <ul style="list-style-type: none"> • 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 he or she would pose a risk of harm to children <p>In dealing with allegations or concerns against an adult, staff must:</p> <ul style="list-style-type: none"> • Report any concerns about the conduct of any member of staff, supply staff or volunteer to the Head teacher as soon as possible. • If an allegation is made against the Head teacher, the concerns need to be raised with the LADO and Chair of Governors as soon as possible • Once an allegation has been received by the Head teacher or Chair of Governors they will contact the Local Authority Designated Officer on 01635 503153 as soon as possible and before carrying out any investigation into the allegation other than preliminary enquiries. • Inform the parents of the allegation unless there is a good reason not to. <p>In liaison with the LADO, the school will determine how to proceed and if necessary the LADO will refer the matter to children’s social care and/or the police.</p> <p>If the matter is investigated internally, the LADO will advise the school to seek guidance from their personnel/HR provider in following procedures set out in ‘Keeping Children Safe in Education’ (2020) and the HSCB procedures.</p> <p>5.2 Additional actions</p> <p>5.2.1 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).</p> <p>5.2.2 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.</p> <p>Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is</p>
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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.

5.2.4 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.

5.2.5 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.

5.2.6 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.

5.2.7 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, (e.g. trade union representatives, or a colleague).

5.2.8 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 staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a staff member will be advised to seek legal advice.

5.2.9 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).

5.2.10 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

5.2.11 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.

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	<p>5.3 Supply teachers</p> <p>5.3.1 In some circumstances iCollege may have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business (referred to in this section as ‘the agency’).</p> <p>5.3.2 Whilst iCollege are not the employer of supply teachers, they will ensure allegations are dealt with properly. In no circumstances will iCollege decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Governing bodies and proprietors will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.</p> <p>5.3.3 Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children’s social services. The iCollege will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the iCollege, are under the supervision, direction and control of the governing body or proprietor when working in the school. They will be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.</p> <p>5.3.4 When using an agency, will inform the agency of its process for managing allegations. This will include inviting the agency’s human resource manager or equivalent to meetings and keeping them up to date with information about its policies.</p>
<p>6: Timescales</p>	<p>Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week.</p> <p>If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.</p> <p>If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.</p>
<p>7: Specific actions</p>	<p>7.1 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, taking into account information provided by the police and/or children’s social care services.</p> <p>7.2 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’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.</p> <p>If the individual concerned is a member of teaching staff/supply staff, the case manager and personnel adviser will discuss with the LADO whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.</p> <p>7.3 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.</p>

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	<p>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.</p> <p>7.4 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 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.</p>
<p>8: Confidentiality</p>	<p>The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.</p> <p>The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:</p> <ul style="list-style-type: none"> • 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
<p>9: Record Keeping</p>	<p>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:</p> <ul style="list-style-type: none"> • A clear and comprehensive summary of the allegation • Details of how the allegation was followed up and resolved <p>Notes of any action taken and decisions reached (and justification for these, as stated above)</p> <p>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. We will retain these 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.</p> <ul style="list-style-type: none"> • The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.
<p>10: References</p>	<p>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.</p>
<p>11: Learning lessons</p>	<p>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):</p> <ul style="list-style-type: none"> • 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. <p>iCollege will consider how future investigations of a similar nature could be carried out without suspending the individual.</p>

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12: Associated policies	Staff Code of Conduct STPCD (School Teachers Pay and Conditions Document)			
13: Change Record				
Version Number	Date Approved	Management Committee Minute Reference	Description of Amendments	Review Date
1			New policy	Dec 2017
2	Nov 20		Amended by FM	Nov 2020

Keeping Children Safe in Education

All staff with the iCollege take seriously their responsibility to protect and safeguard the welfare of children and young people in their care; this includes protecting children from maltreatment; preventing impairment of children's Mental and Physical health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes

Approved by:	Management Committee
Print name:	Maureen Sims
Position:	Chair of governors
Date:	Nov 20
Review date:	Nov 22