



## Allegations of abuse against staff

<b>Audience:</b>	School and academy staff, particularly Headteachers and administrative staff Local Governing Bodies
<b>Reviewed:</b>	November 2022
<b>Other related policies / procedures</b>	Staff and Volunteer Code of Conduct Policy Child Protection and Safeguarding Policy KCSIE22 Working Together to Safeguard Children
<b>Owner</b>	
<b>Policy / procedure model</b>	MAT policy: all Crofty schools use this policy Aligned: Policy to be adapted to school where indicated School policy: specific to needs of the school

# 1. Background

- 1.1. Safeguarding allegations against members of staff are obviously a serious matter. The Department of Education issues statutory guidance on the subject in its publication [Keeping Children Safe in Education](#) and schools are obliged to have regard to it. Part IV, entitled *Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors* is particularly relevant.
- 1.2. This policy is in line with that guidance and is designed to ensure that all staff are aware of the correct approach to be taken in such cases. It is not simply a disciplinary matter, other agencies have to become involved, and the primary concern is over the safety and welfare of the child.
- 1.3. There is a good deal of guidance in *Keeping Children Safe in Education* about safeguarding generally, and this is reflected in the school's Child Protection and Safeguarding Policy, which covers such matters as the role of the Designated Safeguarding Lead (DSL), signs of abuse, how to respond if a child reveals that they have suffered abuse, at home or elsewhere, and particular risks. This policy only concerns cases where the allegation is against a member of staff (including governors or other volunteers and contractors) and supply staff whenever, in the words of the statutory guidance, they have:
  - 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.

# 2. Procedure

## Reporting an allegation

- 2.1. All concerns of this nature **should be reported immediately to the Headteacher**, (complaints about the Headteacher should be reported to the Chair of Governors) who will then contact the Local Authority Designated Officer (LADO). Following LADO notification, the Headteacher or Chair of Governors should notify the CEO as soon as practical.

- 2.2. The term “case manager” is used in the statutory guidance to cover both individuals, but in this policy the word Headteacher is used throughout for convenience.
- 2.3. Staff who are concerned about the behaviour of a colleague towards a pupil are undoubtedly in a difficult situation. They may worry that they have misunderstood the situation or that a report could jeopardise their colleague’s career. It is important to remember that the welfare of the child is paramount. The only proper course is to report their concerns immediately. Staff should not only raise serious concerns, but also any low-level concerns which do not meet the harm threshold. Harm has been defined as the “ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another”.
- 2.4. If in doubt, the matter could be reported to or raised with the DSL, but he or she will not be able to give any undertaking to treat the matter in confidence and, providing that the allegation is covered by this policy, will also be under an obligation to report the matter to the Headteacher.
- 2.5. Acting quickly is also important. It is in everyone’s interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation.
- 2.6. The Headteacher will then contact the LADO, and a discussion may then take place to decide whether an immediate intervention by the police or social care services is required. If such a strategy discussion is needed, representatives from other agencies, such as health, social care, and the police, may be invited. It may also be that no further action is required.
- 2.7. Staff need to be mindful that it is not only their behaviour in school which may lead to concerns being raised. Where a member of staff or volunteers is involved in an Incident outside of the school which may/may not have involved children but could impact on their suitability to work with children this should be discussed with the LADO. Usually referred to as “Transferrable Risk”.
- 2.8. Staff should never let allegations by a child or young person go unrecorded or unreported, including any made against the individual. If staff receive a disclosure, about an adult colleague, it is important to reassure the child that what they say will be taken very seriously and everything possible done to help.

### **Low-Level Allegations**

- 2.9. Following consultation with the LADO and these other agencies, and having

agreed what information can be disclosed, the Headteacher will make this known to the member of staff. He or she may at that stage decide to suspend them. (See section 4 below)

Low level concerns are concerns which do not meet this threshold, but no matter how small they might seem, still require sharing with the right person and dealing with appropriately. Examples include:

- a) being over friendly with children;
- b) having favourites;
- c) taking photographs of children on their mobile phone;
- d) humiliating children;

- e) 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.
- 2.10. The school takes all allegations of abuse against staff seriously, including low-level allegations and will deal with them in the same manner as to an allegation deemed to be serious. Concerns can be a suspicion, complaint, or disclosure made by another.
- 2.11. All low-level concerns should be reported in line with the reporting allegations procedure above so that they can be investigated in the same way. For the avoidance of doubt, low-level allegations should be reported to the Headteacher (or to the Chair of Governors if the concern relates to the Headteacher) as soon as possible. The Headteacher will then investigate the concern and will decide if it is deemed serious enough to be reported to the LADO.
- 2.12. The allegation will be placed on the staff members personnel file as outlined below (see 10.1).
- 2.13. All low-level concerns will be recorded in writing and will be held by the school confidentially.
- 2.14. The school will regularly review any low-level allegations to identify potential patterns of behaviour so that this can be dealt with in the appropriate way.
- 2.15. Allegations of low-level abuse will be held by the school in accordance with GDPR regulations – it is recommended that low-level concerns are retained until the individual leaves their employment.

### **Investigation**

- 2.16. The initial strategy discussion will also consider who is best placed to carry out an investigation. It may be the school, children's social services, or in more serious cases the police. Internal investigations may need to be delayed until an external investigation is complete.

### **Supporting those involved**

- 2.17. We will do our best to support the staff member through the process. Once the LADO has been consulted, the staff member will be informed of the allegation as fully as possible, including the next steps. A named representative will be appointed, which may be the DSL, to keep him or he

informed of the process.

- 2.18. Individuals should also contact their trade union representative for help.
- 2.19. Parents and carers should also be told about the allegation as soon as possible if they do not already know of it. Again, this has to follow consultation with the LADO. After that, the Headteacher should keep them informed of the progress of the case as far as possible without breach of confidentiality or compromising any investigation. This may be a police or social services investigation, or an internal disciplinary process.
- 2.20. This task of keeping parents or carers informed may be delegated to a senior member of staff, and may be the DSL, but the same person will not also act as support to the staff member concerned.
- 2.21. Parents and carers shall also be made aware that there is a statutory obligation under the Education Act 2002 (section 141F) to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing.

### **3. Confidentiality**

- 3.1. We will make every effort to maintain the confidentiality of all parties at every stage, and to avoid publicity. A breach of confidentiality will be taken seriously and may warrant its own investigation.
- 3.2. The Education Act 2002 prohibits the publication of any material which may identify a teacher accused of harming a pupil, which includes any speech and social media.
- 3.3. The Headteacher will therefore liaise with the LADO and other agencies as to the information that can be released as appropriate.

### **4. Suspensions**

- 4.1. Suspension is a serious step, especially in such circumstances, and will not be done automatically. All options to avoid suspension will be considered and it is only appropriate where there is cause to suspect that a child is at risk of harm. Further guidance is provided in *Keeping Children Safe in Education*.
- 4.2. If suspension cannot be avoided the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

- 4.3. Resignations and Settlement Agreements an employee resigns or offers to resign during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will still be given a full opportunity to respond to the allegation. Settlement agreements, by which a person agrees to resign if the employer agrees not to pursue disciplinary action, should not be used in such circumstances.

## **5. Outcomes**

- 5.1. The following definitions are used for the outcome of safeguarding 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 cause harm to the person 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. The term, therefore, does not imply guilt or innocence or;
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

- 5.2. The school is not bound by the conclusions of other agencies but in practice is likely to form the same view on the evidence available. If there is a prior investigation by the police or another agency, which concludes that an allegation is substantiated, this is a strong indication that an offence of gross misconduct has been committed, and hence that a disciplinary hearing is required. In the case of an unsubstantiated allegation, the school will have to consider carefully whether disciplinary proceedings are appropriate on the evidence available. Volunteers and self-employed staff are not however covered by the school's disciplinary policy.

- 5.3. If the allegation is upheld and the member of staff is dismissed or leaves for whatever reason, the school will consider with the LADO whether to make a DBS referral. There is a legal obligation to make a DBS referral when

satisfied that an individual has engaged in conduct which has harmed or was likely to harm a child, or if they otherwise pose a risk of harm to a child.

- 5.4. If it is decided that the employee may return to school after a suspension, then we will take steps to make the transition as smooth as possible. This



may involve a phased return, a trial period, or the use of another member of staff as a support in. If the child who made the allegation is still at the school, we will consider what needs to be done to manage the contact between employee and child.

5.5. Where an allegation is proved to be false, the Headteacher and Chair of Governors may refer to social services to determine whether the child is in need of support or has been abused by someone else.

5.6. Each school's behaviour policy sets out the disciplinary action that may be taken against pupils who are found to have made malicious accusations against our staff.

## **6. Learning Lessons**

8.1 Throughout the process in handling allegations, the Headteacher and the LADO will review the circumstances of each case, not just those which are concluded and found to be substantiated, to determine whether there are any improvements to be made to the school procedures. This will include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether suspension was justified and how future investigations of a similar nature could be carried out without suspending the individual.

## **7. Non-Recent Allegations**

9.1 Where an adult makes an allegation to the school that they were abused as a child, the individual should be advised to report the allegation to the police.

Non recent allegations made by a child, should be reported to the LADO in line with the local authorities' procedures.

## **8. Record Keeping**

8.1. In each case, the employee will be notified of the outcome in writing. Where an allegation is found to be false or malicious, it will be removed from their personnel record. Otherwise, a copy will be kept (even after they leave the school) until they reach normal retirement age or for 10 years from the date of the allegation, whichever is the longest.

8.2. Details of any allegation made by a pupil will be kept in the confidential section of their record.

8.3. In responding to any request for a reference, only substantiated allegations will be mentioned.

## **9. Related Policies**

9.1. Policies to be read in conjunction with this policy:

- Staff and volunteer code of conduct policy;

Child protection and Safeguarding policy; and

Keeping children safe in education.

## **10. After the case**

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- 10.1. Regardless of the outcome, we will review the case to see what improvements could be made to our practice or policy for the future.