

Dealing with Allegations of Abuse against Teachers and Other Staff

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It is essential that any allegation of abuse made against a teacher, other member of staff or volunteer in an educational environment is 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 subject to the allegation. It is important that staff, students and parents / carers are able to raise concerns, are listened to and taken seriously.

1.0 Allegations made to the Trust

1.1 Any allegation should be reported to the Principal unless it concerns the Principal in which case it should be reported to the Chair of Governors. If the allegation meets any of the following criteria, the Principal / Chair of Governors should report it to the Local Authority (LADO) Designated Officer on the same day:

- a member of staff has behaved in a way that has harmed a child, or may have harmed a child
- a member of staff has possibly committed a criminal offence against, or related to, a child
- a member of staff has behaved towards a child, or children, in a way that indicates he or she is unsuitable to work with children

1.2 The Principal, through consultation with the Designated Senior Lead (DSL) for Child Protection and the Chair of Governors, will make a decision whether or not the member of staff should continue to work with children during the investigation (see Disciplinary Policy). The academy is mindful of the need to safeguard and protect children's welfare whilst also protecting the adult's right to protection against false allegation.

1.3 Suspension will be considered in any case where:

- there is cause to suspect a child is at risk of 'significant harm'
- the allegation warrants investigation by the police or is so serious that grounds for dismissal are being considered. Suspension will not be automatic; the academy will consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The power to suspend is vested in the Principal and the Governing Body.

2.0 Record keeping

2.1 It is important that a clear and comprehensive summary of any allegations made is retained in the member of staff's confidential personnel file. This summary should include:

- details of how the allegations were followed up and resolved
- a note of any action taken
- decisions reached

2.2 A copy should be provided to the member of staff concerned. The summary should be retained, at least, until the member of staff has reached normal retirement age (or for a period of 10 years from the date of the allegation if that is longer).

3.0 Allegations made to the police or children's social care

3.1 If an allegation is made to the police, it should be reported to the Principal who, in turn, should inform the LADO (unless it concerns the Principal, in which case it should be reported to the Chair of Governors).

3.2 If the allegation is made to children's social care, the person who receives it should report it to the LADO.

4.0 Initial consideration

4.1 The LADO will discuss the matter with the Principal and obtain further details of the allegation and the circumstances in which it was made. The Principal should also consider whether there is evidence / information that establishes that the allegation is false or unfounded.

4.2 If the allegation is patently not false and there is cause to suspect that a child is suffering, or is likely to suffer significant harm, the LADO will immediately refer to children's social care and ask for a strategy discussion to be convened immediately.

4.3 If there is no cause to suspect significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the academy and any other agencies involved with the child.

4.4 Even in the case where an allegation appears to be less serious, it is important that the LADO is informed. An allegation may be considered so serious that there will be immediate referral to children's social care and / or the police.

5.0 Action following initial consideration

5.1 Where the initial consideration decides that the allegation does not involve a possible criminal offence, the employer must deal with the matter. If the nature of the allegation does not require formal disciplinary action, the Principal will institute appropriate action within three working days.

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

- 5.3 Where further investigation is required to inform consideration of disciplinary action, the Principal and the DSL will discuss with the LADO who will undertake the necessary action. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the academy.
- 5.4 The investigating officer should aim to provide a report to the Principal within 10 working days. On receipt of the report of the disciplinary investigation, the Principal and Chair of Governors should consult the LADO within 2 working days to decide whether a disciplinary hearing is needed. If such a hearing is required, it should be held within 15 working days.
- 5.5 Where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Principal and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LADO should continue to liaise with the academy to monitor progress of the case and provide advice / support when required / requested.
- 5.6 In the case of the allegation being made against a supply teacher, a contractor, or a volunteer from a voluntary organisation, the academy may not be involved in disciplinary procedures, but will be involved and cooperate in an investigation. This investigation will reach a decision whether to continue to use the person's services, or to recommend the person for work with children in the future, and whether to report to the DBS and the Teachers' Regulation Agency.

6.0 Supporting those involved

- 6.1 Parents / carers of a child, or children, involved should be advised of any allegation/s as soon as possible. Parents / carers should also be kept informed regarding progress on the case and should be informed of the outcome where there is a criminal prosecution or a disciplinary hearing.
- 6.2 The academy should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the police or children's social care are involved, the Principal will not do this until advised to do so by these agencies.
- 6.3 Any child / children making an allegation against a member of staff will be offered a 'support person' from within the academy who is impartial to the formal proceedings. Where the allegations are unfounded, the academy will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted. In this case, the LADO should refer the matter to children's social care to determine whether or not the child concerned is in need of support from external services, or may have been abused by others. The academy will continue to provide support to the child / children in these circumstances.
- 6.4 Any member of staff facing an allegation will be offered a 'support person' from within the academy who is impartial to the investigation and, where necessary, referral to occupational health / life coaching.

7.0 Confidentiality

- 7.1 Every effort must be made to guard confidentiality and to protect against any undue publicity.

8.0 Resignations and 'compromise agreements'

- 8.1 Allegations must be investigated even in situations where a member of staff tenders their resignation. A 'compromise agreement' will not be used in the case of allegations.

9.0 Case subject to police investigation

- 9.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.
- 9.2 A target date for the case review will be set. The review will include the progress of the investigation in consultation with the Crown Prosecution Service (CPS). If the police and / or CPS decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should, wherever possible, aim to pass all information they have, which may be relevant to a disciplinary case, to the employer within three working days of the decision. In those cases, the employer and the LADO should decide how to proceed.
- 9.3 If the nature of the allegation does not require formal disciplinary action, the Principal will institute appropriate action within three working days.
- 9.4 If a disciplinary hearing is required, and can be held without further investigation, the hearing should be held within 15 working days.
- 9.5 Any case in which children's social care have undertaken enquiries, which are relevant to a disciplinary case, these should also be passed to the academy.
- 9.6 If the person is convicted of an offence, the police must inform the employer straight away so that appropriate action can be taken.

10.0 Referral to DBS (Disclosure & Barring Service) / NCTL (National College for Teaching and Leadership)

- 10.1 If, upon conclusion of the case, the academy ceases to use the person's services or the person ceases to provide his / her services, the academy should consult the LADO regarding whether a referral is required. If so, it should be made within 1 month.

11.0 Dealing with false allegations

- 11.1 Where there is clear evidence that an allegation was deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the student who made it.
- 11.2 Advice should be sought from the police regarding whether any action might be appropriate against the person responsible if he / she was not a student.