



Cleves School  
Learning Together

# A STATEMENT OF PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF AND TRUSTEES

Reviewed on	August 2021 by Chris Hodges
Guidance referred to	Stone King – July 2021 DfE Guidance published on The Key Surrey Guidance 2016
Reviewed by	Personnel, Performance and Pay Committee on behalf of The Board of Trustees of Cleves School
Review cycle	Every 2 years
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## **1. Introduction**

All schools are under an absolute duty to promote and safeguard the welfare of children at the school, and to have regard to guidance issued by the Secretary of State in so doing. Cleves School takes this responsibility seriously, and will ensure that any allegation of abuse made against a teacher or other member of staff or volunteer in the school is dealt with fairly, quickly and consistently, in a way that provides effective child protection while also supporting the individual who is the subject of the allegation and in accordance with the DfE guidance

The procedure documented within this policy must be used in any case where it is alleged that a teacher, other member of staff, a school trustee or a volunteer at the school has:

- Behaved towards a child or children in a way that has harmed 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 s/he is unsuitable to work with children.

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.

All members of staff in the school will be made aware of this policy during induction.

## **2. How concerns arise**

Concerns about the possible abuse of children will usually arise in one of two ways, either:

- a direct allegation by a pupil or a third party, for example a parent
- an observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case the concern must be recorded and reported to the Head Teacher immediately unless the allegations are about the Head Teacher, in which case it must be reported to the Chair of Trustees. If the Head Teacher is absent the allegation should be reported to the teacher in charge.

As this is a statutory duty, we expect all members of staff in the school, where they have concerns, to report them in accordance with this policy.

Staff are reminded of the importance of noting low-level concerns, which collectively can indicate a bigger issue.

## **3. Initial action**

The Head Teacher or Chair of Trustees will ensure that they have a full understanding of what is being alleged from the member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

No one in the school may investigate the incident by interviewing either that directly involved or any witnesses; to do so could prejudice a fair hearing at a later date.

The Headteacher or Chair of Trustees will simply establish that:

- an allegation has been made
- the general nature of the allegation
- when and where the incident is alleged to have occurred
- who was involved
- any other persons present

The matter will not be discussed with the person who is the subject of the allegation at this stage.

#### **4. Consultation and referral**

It is important to ensure that even allegations that appear to be less serious are seen to be followed up and taken seriously and that someone independent of the school examines them objectively.

If the allegation meets any of the criteria set out in section 1 above, the Headteacher or Chair of Trustees must report it to the Local Authority Designated Officer (LADO) on the same day.

If it is unclear whether the threshold for referral has been reached, the Headteacher or Chair of Trustees can consult the Local Authority before a formal referral is made.

#### **5. Initial consideration of the allegation**

The LADO's first step will be to discuss the allegation with the Headteacher or Chair of Trustees to confirm details of the allegation and establish that it is not demonstrably false or unfounded. If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed.

In some circumstances the school may advise parents of an incident involving their child straight away, for example if the child has been injured while at school or in a school related activity, and requires medical treatment.

The Headteacher or Chair of Trustees will usually inform the accused person about the allegations as soon as possible after consulting the LADO. However, where a strategy discussion is needed, this will be deferred until after consultation with the police has taken place, and there is agreement about what information can be disclosed to the person.

If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

#### **Determining the outcome**

The following definitions should be used when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
2. **False:** there is sufficient evidence to disprove the allegation.
3. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
4. **Unfounded:** there is no evidence or proper basis, which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
5. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

#### **6. Strategy Meeting / Evaluation with Police**

If the allegation is not demonstrably false or unfounded, a formal referral will be made to the LADO and a strategy meeting planned. A strategy discussion will be convened in accordance with "Working Together to Safeguard Children".

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services;
- Consideration by the employer of disciplinary action in respect of the individual.

A senior school representative (Headteacher or Chair of Trustees) will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

## **7. Suspension**

The possible risk of harm to children posed by an accused person needs to be assessed and managed – in respect of the child or children involved in the allegation, and any other children in the accused individual’s home, work or community life.

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.

Suspension will be considered in any case where

- there is cause to suspect a child is at risk of significant harm,
- the allegation warrants formal investigation by the police;
- there is a likelihood that evidence may be tampered with, or witnesses intimidated
- the allegation 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:

- 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/academy trust]

The school will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. In deciding whether to suspend a member of staff, the school will consider advice given at a strategy meeting and any risk assessment.

## **8. Action where police or local authority investigation is not necessary**

If the complaint or allegation is such that:

- It is clear that a criminal and/or child protection enquiries are not necessary, or
- the strategy discussion or initial evaluation decides that is the case, the Headteacher and Chair of Trustees will discuss the next steps with the LADO

In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action or giving professional advice as part of an informal warning to conducting formal disciplinary action that could lead to dismissal or lesser formal warning.

If the nature of the allegation does not require formal disciplinary action/investigation, the Headteacher will institute appropriate action within three working days. This would normally be professional advice or an informal warning - although a record will be kept of this.

Where further enquiries will be needed to enable a decision about how to proceed, the Headteacher and Chair of Trustees will agree with the LADO how and by whom the investigation will be undertaken.

In straightforward cases a senior member of the school staff should normally undertake such investigation. However, if there is a lack of appropriate resources within a school or if the nature or complexity of the allegation so requires, an independent investigator will be appointed.

On receipt of the report of the disciplinary investigation, the Headteacher and Chair of Trustees should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

### **9. Action where police or local authority investigation is necessary**

The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away:

- If it is decided to close an investigation without arrest or charge or
- If it is decided not to prosecute after the person has been charged, or
- when a criminal investigation and any subsequent trial is complete

In those circumstances, the LADO will discuss with the Headteacher and Chair of Trustees whether any further action, including disciplinary action is appropriate and, if so, how to proceed. The information provided by the policy and the local authority will inform that decision.

### **10. Referral to DFE**

If, on conclusion of the case, the school ceases to use the accused person's services, or the accused person resigns or ceases to provide his or her services, the school will consult its HR manager about whether a referral to DCSF for barring is required.

If a referral is appropriate, the report will be made within one month.

### **11. Supporting those involved**

The Headteacher or Chair of Trustees will notify the parents or carers of the child or children involved as soon as possible if they are not already aware of it – subject section 5 above.

The deliberations of a disciplinary hearing and the information taken into account in reaching a decision will not normally be disclosed, but the parents or carers of the child should be told the outcome.

The school will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual.

Access to counselling services should be provided and if the person is suspended, the school should also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

### **12. Confidentiality**

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No one in the school may provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. No one connected to the school may speak to the press or media without the Headteacher/Chair of Trustees' authority.

No one in the school may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

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

### **13. Resignations and compromise agreements**

Where a person is under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

The school will not enter into "compromise agreements" by which if a person agrees to resign, the school agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.

### **14. Record keeping**

If anyone in the school has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the Headteacher or Chair of Trustees, as soon as practicable.

The Head Teacher will ensure that:

- a clear and comprehensive summary of any allegations made
- details of how the allegation was followed up and resolved
- a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for reference. At the conclusion of the investigation, if the person under investigation is exonerated, the school will write to the person confirming this, and send a copy to the LAAAT and place a copy on the person's personnel file.

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.

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.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

## **15. Timescales**

The school will endeavour to follow the timescales set out in the guidance for such investigations, as long as this is consistent with a fair and thorough investigation. However, it is acknowledged that serious and complex allegations are unlikely to be resolved quickly, particularly where specialist evidence is needed, or the matter comes to a contested trial.

- 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

## **16. Oversight and monitoring**

The school will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations.

The school will cooperate in supplying statistical information required by the LADO for DFE returns and Local Safeguarding Children Board monitoring purposes.

## **17. Action on conclusion of a case**

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school will consider how best to facilitate that.

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.

### **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.

## **18. Learning lessons**

At the conclusion of a case in which an allegation is substantiated the Head Teacher and Chair of Trustees will review the case with the LADO to determine whether there are any improvements to be made to the school's or the LSCB 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

## **19. References**

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.

## **20. Actions in respect of malicious allegations**

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against the pupil who made it. Any reference to the allegation should be removed from staff personnel records.

The police will be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

## **21. Allegations concerning staff not directly employed by the school**

In some cases, the school will need to consider an investigation case in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation.

That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation. In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self-employed.

Although in those cases, the school will not have a direct employment relationship with the individual, the school will cooperate in an investigation, and in reaching a decision about whether to continue to use the person's services, or to provide the person for work with children in future, and whether to report the person to DfE.

In the case of Trustees the school will apply the code of conduct.