



Brentford School for Girls

Allegations of Abuse Against Staff Policy

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ALLEGATIONS OF ABUSE AGAINST STAFF

This policy is to be read in conjunction with the School's Staff Disciplinary Policy.

Brentford School for Girls believes that any allegation of abuse made against a teacher or other member of staff or volunteer in our education setting should be 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 the subject of the allegation.

The procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.

All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.

An allegation is any information which indicates that a member of staff/volunteer may have:

- Behaved in a way that has, or may have harmed a student.
- Possibly committed a criminal offence against/related to a student
- Behaved toward a student or students in a way which indicates s/he is unsuitable or poses a risk to work with students

This applies to any child the member of staff/volunteer has contact with in their personal, professional or community life.

INITIAL CONSIDERATIONS

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, the procedure for a disclosure will be followed.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The LADO should be informed of all allegations that come to a school or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

The following definitions should be used when determining the outcome of allegation 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;
- **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.

In the first instance, the head teacher, or where the Headteacher is the subject of an allegation, the chair of governors, chair of the governors should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the headteacher/chair of governors to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the headteacher/chair of governors to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the headteacher/chair of governors will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the headteacher/chair of governors should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the headteacher/chair of governors and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The headteacher/chair of governors should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The headteacher/chair of governors should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the headteacher/chair of governors should not do that until those agencies have been consulted, and have agreed what

information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children 2015. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the headteacher/chair of governors.. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the headteacher/chair of governors how and by whom the investigation will be undertaken.

PROCEDURE IF A DISCLOSURE IS MADE

- The person to whom an allegation is first reported, should take the matter seriously and keep an open mind. S/he should not investigate or ask leading questions if seeking clarification, it is important not to make assumptions. Confidentiality should not be promised and the person should be advised that the concern will be shared on a 'need to know' basis only.
- A written record of the allegation should be made, using the informant's words – including time, date and place where the alleged incident took place, what was said and if anyone else was present. This record should be signed and dated and immediately passed on to the Head teacher.
- In the absence of the Head Teacher the record should be passed to the Deputy Head who is Acting up
- If the concerns are about the Head Teacher, then the Chair of Governors should be contacted. In the absence of the Chair of Governors, the Vice Chair should be contacted. The contact details can be obtained from the Head teacher's PA.
- The recipient of an allegation must not unilaterally determine its validity, and failure to report it in accordance with procedures is a potential disciplinary matter
- The Head teacher/ Governor (in the case of the HT) will assess whether it is necessary to refer the concern to social care in consultation with the Local Authority Designated Officer
- If it is decided that the allegation meets the threshold for further action through the HSCB Inter-agency Child Protection and Safeguarding Student Procedures, the Head teacher must immediately make a referral to Social Care 0208 583 2000
- If it is decided that the allegation does not meet the threshold for referral to Social Care, the Head teacher and the Local Authority Designated Officer will consider the appropriate course of action e.g. joint evaluation meeting, internal investigation.
- The Head teacher should, as soon as possible, following briefing from the Local Authority Designated Officer and inform the subject of the allegation
- If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.
- Historical allegations should be responded to in the same way as contemporary concerns. It is important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.
- All staff should be aware of the school's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.
- If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the school, they should report the matter to the LADO (Local Authority Designated Officer)

SUSPENSION

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the headteacher/chair of governors to consider suspending the accused until the case is resolved.

Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the headteacher/chair of governors is concerned about the welfare of other children in

the community or the teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the headteacher/chair of governors must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO. In cases where the school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

The headteacher/chair of governors should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the headteacher/chair of governors should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college 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 to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The headteacher/chair of governors should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the headteacher/chair of governors to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the schools consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Only the employer has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

SUPPORTING THOSE INVOLVED

THE STUDENT AND FAMILY

- Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it.
- They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution.
- This includes the outcome of any disciplinary process. (The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome.)
- In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Chair of Governors to consider what support the child or children involved may need.

THE PERSON WHO IS THE SUBJECT OF THE ALLEGATION

- The school has a duty of care to its employees. It will act to manage and minimise the stress caused by the allegations and disciplinary process. Support for the individual is key to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority social care services or the police.
- The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They can be given access to welfare counselling or medical advice if this is available.
- The Chair of Governors and Head teacher will also keep the person who is the subject of the allegations informed of the progress of the case
- Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 . If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- If the person is suspended, the Chairman of Governors and Head teacher will appoint a member of staff to keep the individual informed about other developments (not related to the case) at school.
- Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

CONFIDENTIALITY

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information will be restricted to those who have a need to.

The school will take advice from the LADO, police and local authority social care services to agree who needs to know and, importantly, exactly what information can be shared. (In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998).

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally 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. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The headteacher/ chair of governors should take advice from the LADO, police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

Agreement will be reached on how to manage speculation, leaks and gossip, what if any information can be reasonably given to the wider community to reduce speculation and how to manage press interest if and when it should arise.

RESIGNATIONS AND COMPROMISE AGREEMENTS

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.

Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it.

The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate.

So called “compromise agreements” by which 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, will not be used in cases of alleged child abuse.

RECORD KEEPING

- A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be 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 a reference if the person has moved on.
- It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction.
- In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.
- Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious will not be included in employer references. A history of repeated concerns or allegations, which have all been found to be unsubstantiated, malicious etc. will also, not be included in any reference.

TIMESCALES

It is in everyone’s interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must be investigated as a priority so as to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but, generally, it is expected that they should be resolved within one month. Exceptional cases may take longer to resolve.

Where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week.

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be dealt with by the Head teacher, although if there are concerns about child protection, there will be discussion with the LADO. If the allegation does not require formal disciplinary action, the head teacher will take appropriate action within 3 working days. If a

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

OVERSIGHT AND MONITORING

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The LADO will provide advice and guidance to the headteacher, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the LADO;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

ACTION ON CONCLUSION OF A CASE

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO will discuss with the school whether a referral to the Independent Safeguarding Authority (ISA) for consideration of inclusion on the barred lists is required.

There is a legal requirement for employers to make a referral to the ISA where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. The duty to refer an individual to the ISA arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Professional misconduct cases should be referred to the relevant regulatory body. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

Where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school will facilitate this by providing appropriate help and support. The school recognises that this will have been a stressful experience. A phased return and/or the provision of a mentor to provide support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil.

ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

If the allegation is unfounded or malicious, the LADO will refer the matter to local authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If the allegation is shown to have been deliberately invented or malicious, the head teacher will decide whether disciplinary action is appropriate against the pupil who made it, or the police could be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil.

REFERENCES:

"Keeping Children Safe in Education (2015)"