

Date Valley School

Company number: 06845508 Registered Charity number: 1136298
Mitcham Court, Cricket Green, Mitcham, Surrey, CR4 4LB
Telephone: 0208 648 4647· Tel: 07980299717 Email: managingdirector@dvst.org.uk



Dealing with Allegations of Abuse against Teachers and Other Staff Policy.

The aim of this policy:

- To ensure that any allegation made against a teacher, other member of staff, student or volunteer at Date Valley is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.

Legislation:

This policy is based on the guidance in:

- 'Safeguarding Children and Safer Recruitment in Education' and relates to s157 and s175 of the Education Act 2002
- London Child Protection Procedures, 2007
- Section 175 of the Education Act 2002
- Section 157 of the Education Act 2002 and The Education (Independent Schools Standards) (England) Regulations 2003
- The Children Act, 2004 (section 11)

Procedures:

All schools should have procedures for dealing with allegations and all staff, students and volunteers should understand what to do if they receive an allegation against another member of staff, or if they themselves have concerns about the behaviour of another member of staff.

The person responsible for dealing with allegation of abuse against teachers and other staff is the Principal. If the allegation is against the Principal, the person responsible is the Chair of the Board of Trustees.

The procedure for dealing with an allegation needs to be applied with common sense and judgement.

It is important to ensure that any allegations, that appear to meet the criteria below, are examined objectively by someone independent of the school. Consequently, the local authority designated officer (LADO - education) will be informed of allegations that come to the school's attention and appear to meet the following criteria:

It is alleged that a teacher or a member of staff (including a volunteer) in the school:

- 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 s/he is unsuitable to work with children

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual, emotional abuse and neglect).

These include concerns relating to inappropriate relationships between members of staff and children for example:

- Having a sexual relationship with a child under 18, if in a position of trust in respect of that child, even if consensual (ss16-19 Sexual Offences Act 2003)
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (s15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc)
- Possession of indecent photographs / pseudo-photographs of children

The parent/s and the child should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The Principal / Chair of the Board of Trustees should seek advice from the education LADO; the police and / or LA children's social care about how much information should be disclosed to the accused person.

The Principal should record the details of the allegation without conducting an investigation because it may prejudice any subsequent investigations that may be needed by the police or social care professionals.

The Principal needs to establish if there are any witnesses to the incident and if any injuries may have resulted to anyone concerned. Statements should be taken from all concerned.

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

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- consideration by the school of disciplinary action in respect of the individual

Where a strategy discussion is needed, (police / children's social care may need to be involved), the Principal / Chair of the Board of Trustees will not discuss with the accused until those agencies have been consulted, and have agreed what information can be disclosed to the person. Informing the accused may jeopardise an investigation by the police where they suspect that a criminal offence may have been committed.

If the person is a member of a union or a professional association, he / she should be advised to contact that organisation for support and advice after the strategy discussion.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour (see Behaviour Policy), under s550A of the Education Act 1996.

Actions:

In response to an allegation staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative.

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed – in respect of the child / children involved in the allegations, and any other children in the individual's home, work or community life. In some cases that will require the school to consider suspending the person until the case is resolved.

Suspension - should 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
- The allegation is so serious that it might be grounds for dismissal

The school will consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

Neither the local authority, the police, nor children's social care can require the school to suspend a member of staff, student or volunteer. The power to suspend is vested in the Principal and the Board of Trustees.

Action in respect of false allegations:

If an allegation is determined to be false the matter will be referred to children's social care 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 Principal should consider whether any disciplinary action is appropriate against the child who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if he or she is not a child.

All false allegations will not be kept on record of the teacher or member of staff that the accusations were made against.

Resignations and compromise agreements:

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up. The process of reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate.

“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 these cases. The agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) where circumstances require that.

Record keeping:

It is important that 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, is kept on a person’s confidential personnel file, and a copy provided to the person concerned.

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

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. The record should 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.

Time scales:

It is in everyone’s interest to resolve cases as quickly as possible, consistently with a fair and thorough investigation. All allegations must be investigated as a priority so as to avoid any delay. Target timescales are shown below for different actions.

- 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 these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months
- For those cases 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 for the Principal to deal with it, although if there are concerns about child protection, the Principal should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the Principal should institute 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

In any case in which children’s social care has undertaken enquiries to determine whether the child or children are in need of protection, the Principal and the Chair of the Board of Trustees will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO will continue to liaise with the school to monitor progress of the case and provide advice or support.

More information/guidance can be found on the DFE website www.education.gov.uk

This policy has been read and approved for Date Valley School, by the School Principal and the Date Valley Trust Policy Committee.

Date: October 2013