

# Date Valley School Trust

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

### Aim of 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
- It applies to all cases in which it is alleged that a current member of staff, student or volunteer has:
  - 1) Behaved in a way that has harmed a child, or may have harmed a child, or
  - 2) Possibly committed a criminal offence against or related to a child, or
  - 3) Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to 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
- Our procedures for dealing with allegations will be applied with common sense and judgement

### Legislation:

This policy is based on the guidance in:

- Working Together to Safeguard Children – HM Government - July 2018
- Keeping Children Safe in Education – DfE – September 2018
- London Borough of Merton Safeguarding Children Board
- London Child Protection Procedures and Practice Guidance
- Section 157 of the Education Act 2002 and The Education (Independent Schools Standards) (England) Regulations 2014
- 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 headteacher. If the allegation is against the headteacher, the person responsible is the Chair of the Trust Board.

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) 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, students, volunteers 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
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature
- Possession of indecent photographs / pseudo-photographs of children

In the event of an allegation that meets the criteria above, the case manager who is either the headteacher or chair of the Trust Board (where the headteacher is the subject of the allegation) will take the following steps:

- Immediately discuss the allegation with the LADO. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services
- The case manager may, on occasion, consider it necessary to involve the police before consulting the LADO, for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and / or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined below can be put in place. Advice will be sought from the LADO, police and / or children's social care services, as appropriate
- If immediate suspension is considered necessary, agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day and the individual will be given a named contact at the school and their contact details
- If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- If it is decided that further action is needed, take steps as agreed with the LADO to initiate the appropriate action in school and / or liaise with the police and / or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate
- Inform the parents or carers of the child / children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and / or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff, students or volunteers while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed will be advised to seek legal advice
- Keep the parents or carers of the child / children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- Inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made
- If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency

- Where the police are involved, wherever possible the case manager will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point

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

**Timescales:**

- 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

**Suspension or alternative arrangements:**

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. 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

**Confidentiality:**

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 LADO 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 it arises

**Record-keeping:**

The case manager will maintain clear and concise records about any case where the allegation or concern meets the criteria above and store them in the school's LADO file. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

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. If an allegation is found to be malicious, the school will remove the records from the individual's personnel file.

Where records contain information about allegations of abuse, these will be retained at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### **Definitions for outcomes 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 (this does not imply guilt or innocence)
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

### **Specific actions:**

- 1) Action following a criminal investigation or prosecution

The case manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and / or children's social care services.

- 2) 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 human resources adviser will discuss with the LADO 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 human resources adviser will discuss with the LADO whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

- 3) Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

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.

- 4) Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented or malicious, the headteacher or the chair of the Trust Board (in the case of an allegation against the headteacher) will consider whether any disciplinary action is appropriate against the parent / carer / child who made it and if the police should be asked to consider whether action against those who made the allegation might be appropriate.

### **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 investigated.

"Compromise agreements" by which a person agrees to resign and 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 under any circumstance.

### **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.

### **Learning lessons:**

After any cases where the allegations are substantiated, we will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the school's 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

This policy has been read and approved for Date Valley School, by the headteacher and the chair of the Trust Board.

Date: March 2019