



# Oakhurst Community First and Nursery School

## Policy for Dealing with Allegations of Abuse against Members of Staff and Volunteers

Date of Policy – 15/5/19  
Next review: 15/5/19



# **Oakhurst First and Nursery School**

## **Dealing with Allegations of Abuse against Members of Staff and Volunteers**

### **1. Definition**

- 1.1 References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean **any pupil** at the education establishment.
- 1.2 References made to adults and staff refer to all those who work with children in an educational establishment, in either a paid or unpaid capacity.
- 1.3 The term 'allegation' means where it is alleged that a person who works with children has:
- 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 they may pose a risk of harm to children.

### **2. Introduction**

- 2.1 All children and adults have a fundamental right to be protected from harm.
- 2.2 The Governors have a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment (section 175/157 of the Education Act 2002). Schools should identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate, and in accordance with local inter-agency procedures.
- 2.3 School staff have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children.
- 2.4 Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious.
- 2.5 This policy has been compiled in line with the Department for Education statutory guidance document [Keeping Children Safe in Education](#). It should be read in conjunction with the procedure for dealing with allegations of abuse against members of staff and volunteers and other relevant statutory and guidance documents issued nationally or by the Department for Education and HM Government, as well as other related school policies. See appendix 1 of this policy.
- 2.6 The policy aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- 2.7 In the event that a member of staff does not wish to report an allegation directly, or they have a general concern about malpractice within the school, reference can also be made to the school's Whistle blowing policy.
- 2.8 The policy complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant guidance and in the local inter-agency procedures and has been agreed following consultation with the recognised trade unions.

### **3. Purpose and Scope**

- 3.1 The policy applies to all adults employed by the school or all adults volunteering in the school.
- 3.2 The policy is recommended to all school Governing Bodies for adoption.

### **4. Core Principles**

- 4.1 The policy should be used in respect of all cases in which it is alleged that a member of staff or a volunteer in the school has:

- behaved in a way that has harmed a child, or may have harmed a child, or;
- 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 would pose a risk of harm to children.

4.2 In addition, the policy also applies if a concern arises about a member of staff in his/her private life which indicates that s/he would pose a risk of harm to children.

4.3 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Even allegations that appear less serious must be followed up and taken seriously. The policy aims to provide effective protection for the child and support for the person who is the subject of the allegation.

#### 4.4 Timescales

4.4.1 It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation and avoid undue delay. It is recognised that the time taken to investigate and resolve individual cases may depend on a variety of factors, including the seriousness and complexity of the case. In complex cases, where timescales are lengthy, the reasons should be recorded.

#### 4.5 Confidentiality

4.5.1 Whilst an allegation is being investigated, every effort should be made to maintain confidentiality. It might be necessary however, for staff to be informed so far as is necessary, particularly in the case of allegations involving Headteachers.

4.5.2 Consideration will also need to be given as to whether to make a brief statement to parents of children in the school to provide an element of reassurance and to continue to provide information throughout the investigation.

4.5.3 The police will not normally provide any information to the press or media that might identify an individual, unless or until the person is charged with a criminal offence.

#### 4.6 Information sharing

4.6.1 During an initial evaluation of the case, or strategy discussion (see step 3 of the procedure), the agencies concerned should share all the relevant information that they have about the person who is the subject of the allegation and about the alleged victim.

4.6.2 If applicable and where possible, the police and children's services social care should obtain consent from the individuals concerned to share the statements and evidence they obtain during the course of their investigations with the school for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. When considering further action, schools should therefore take account of any relevant information obtained in the course of those enquiries.

#### 4.7 Suspension

4.7.1 Suspension should not be seen as an automatic response to an allegation. A person must not be suspended without careful consideration, taking into account the seriousness and plausibility of the allegation and the risk of harm to the pupil concerned. Suspension should therefore be intended as a safeguard for both the child making the allegation and the member of staff against whom the allegation has been made.

4.7.2 In general, suspension should only be considered in any case where there is cause to suspect a child is at risk of significant harm, it is necessary to allow any investigation to continue unimpeded or is so serious that if proven it might be grounds for dismissal.

4.7.3 The power to suspend is vested in the Headteacher/Governing Body. However, it would be appropriate for the views of the police/children's services social care to be canvassed prior to any final decision being made as to whether to suspend a member of staff. In any event, suspension should only follow after discussion with the Local Authority Designated Officer (LADO) /HR Advisor.

4.7.4 If the initial suspension meeting takes place prior to the strategy discussion, care should be taken in relation to the amount of information given to the member of staff.

- 4.7.5 Suspension from duty should only be used after careful consideration, after seeking guidance from the HR & OD Advisory Service and within the principles contained in the ACAS guidance on suspension. Schools should also consider whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence (management leave), additional supervision, undertaking different duties at school or at home. Any consideration that is given as an alternative to suspension should be well documented and retained for future reference.
- 4.7.6 A decision to suspend can be made at any stage during the investigation process, reviewed in the light of new evidence and should be carried out in accordance with the procedure set out in the school's Disciplinary Policy. The justification behind the decision to suspend should be well documented, including in the written confirmation to the employee.
- 4.7.7 Suspension or alternative measures should be in place for as short a length of time as possible and if it is agreed that a member of staff is to return to work, careful planning needs to take place to ensure the situation is managed as sensitively as possible.

#### 4.8 Records

- 4.8.1 It is important that a clear and comprehensive summary recording the outcome of any allegations is kept on a person's file and a copy provided to the individual.
- 4.8.2 All documents relating to an investigation must be retained until at least the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer. This includes all allegations, even if unsubstantiated or false but not malicious (refer to definitions at Appendix 2). Details of allegations found to be malicious should be removed from the individual's personnel file. This enables accurate information to be given in response to any future request for a reference and will help provide clarity where a future DBS disclosure reveals police information that an allegation was made but did not result in a prosecution or conviction. Such a record also serves to protect the employee from unnecessary re-investigation if allegations resurface after a period of time.
- 4.8.3 Some cases must be reported to the Disclosure and Barring Service (DBS) for consideration of including the person on the barred list or for consideration by the Teaching Regulation Agency (TRA). (refer to the procedure document - Step 5, Referral).
- 4.8.4 A copy of the allegation should also be placed on the pupil's file, together with a written record of the outcome.

#### 4.9 Support

- 4.9.1 Parents or carers of a child or children involved should be told about the allegation as soon as possible (with the proviso of para 2.3 of the procedure). They should also be kept informed about the progress of the case, including suspension and told the outcome where there is not a criminal prosecution. This also includes the outcome of any disciplinary process.
- 4.9.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's services social care or the police as appropriate, should also consider what support the child, children and their parents may need.
- 4.9.3 The school should keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate, such as making them aware of the Staff Counselling Service where appropriate. If the person is suspended, they should be kept informed about developments at the school. Social contact with colleagues and friends at the school should not necessarily be precluded.
- 4.9.4 A guidance leaflet will be made available to all staff who are facing an allegation of child abuse. It would also be appropriate for schools to ask the individual whether welfare counselling or the support of a medical adviser (Occupational Health) would be beneficial.
- 4.9.5 Depending on the circumstances of the alleged abuse, support for others at the school, both staff and pupils might also need to be considered.
- 4.9.6 If the allegations are false and no action is to be taken against the member of staff, the Head/Chair of Governors should still consider whether counselling and/or informal professional advice might be appropriate for all parties, to help rebuild confidence where necessary. A phased return on full pay for the member of staff could be

considered and/or the provision of a mentor. A meeting with the employee and their union representative to discuss such matters would also be helpful.

#### 4.10 Resignations

- 4.10.1 The fact that a person tenders their resignation must not prevent an allegation being followed up in accordance with the procedure outlined at step 4 of the procedure, up until the end of their employment.
- 4.10.2 It is important that every effort is made to reach a conclusion in all cases, including any in which the individual concerned refuses to co-operate with the process.
- 4.10.3 Settlement agreements **must not** therefore be used in any safeguarding cases.

#### 4.11 Oversight and monitoring

- 4.11.1 The LADO has overall responsibility for the oversight of the procedures for dealing with allegations, and will provide advice and guidance to schools, as appropriate.
- 4.11.2 The LADO will also monitor the progress of cases and liaise with the police and other agencies to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.
- 4.11.3 The contact details for the designated LADO are set out at Appendix 2 of this document.
- 4.11.4 HR will work with the LADO to ensure the appropriate application of this procedure and will provide specific advice in cases of formal disciplinary action.

### 5. **Review**

- 5.1 The policy was adopted by the Governing Body on 20/05/2019 following consultation with recognised Teacher and Support Staff trade unions/professional associations.

## Appendix 1

**Policies and other documents to be considered and read in conjunction with the policy for dealing with allegations of abuse against members of staff and volunteers (Listed in alphabetical order)**

<b>Policy/Procedure/Guidance</b>
Allegations against Education Staff – thresholds for and alternatives to suspension – National Network of Investigation & Referral Support Co-ordinators, January 2004
Briefing for schools on grooming
Capability policy and procedure
Child Protection Policy
Data Protection Policy
Dealing with allegations of abuse against teachers and other staff* – DfE statutory guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools, October 2012
Disciplinary Policy and Procedure
Guidance for Safer Working Practice* national guidance for those working with children and young people in education settings, October 2015
Keeping Children Safe in Education* DfE statutory guidance for those working with children and young people in education settings, .
Mobile- Technologies- Template Policy*, South West Grid for Learning
Procedure for dealing with allegations of abuse against members of staff and volunteers
Regulated activity for children, DfE guidance Sep 2016
Staff Code of Conduct
Use of Reasonable Force* – DfE advice for Headteachers, staff and governing bodies.
What to do if you are worried that a child is being abused* – advice for practitioners
Whistleblowing Policy
Working together to Safeguard Children* HM Government statutory guidance on inter-agency working to safeguard and promote the welfare of children, March 2015
Teachers' Standards* - These standards set the minimum requirements for teachers' practice and conduct

\*It is expected that staff will adhere to the statutory duties and/or best practice outlined within these documents as applicable to their role and responsibilities.

## Appendix 2

### Definitions

#### 1.1 Outcomes

##### (i) No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police, following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.

##### (ii) Substantiated

There is sufficient evidence to prove the allegation.

##### (iii) Unsubstantiated

This is not the same as a false (malicious) allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term does not imply guilt or innocence.

##### (iv) Malicious

This means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

##### (v) False

This means that the allegation has been proved to be untrue.

##### (vi) Unfounded

This means that there is no evidence or proper basis which supports the allegation being made. It may 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.

#### 1.2 Chair of Governors

Responsible for liaising with the Headteacher/Designated Safeguarding Lead at the school over matters regarding child protection issues, or in the case of allegations against the Headteacher, liaising with the Local Authority Designated Officer (LADO)/HR over appropriate action to take.

#### 1.3 Local Authority Designated Officer (LADO)

The LADO must be involved in the management and oversight of individual cases which meet the threshold set out at 4.1; provides advice and guidance to employers; liaises with the police and other agencies; and monitors the progress of cases to ensure they are dealt with as quickly as possible, consistent with a fair and thorough process.

Contact details for the Dorset LADO: Telephone: 01305 221122  
Fax: 01305 225910

#### 1.4 Dorset Safeguarding Children Board

Key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children.

<b>Issue Date: October 2018</b> (previous issue September 2016)
<b>Date Adopted: 15/5/19</b>
<b>Signed By: A.Clark</b>

