



**GEORGE  
SALTER  
ACADEMY**

## **Procedure for responding to allegations of abuse by teachers and other school staff**

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## Summary

The Department of Education has produced statutory guidance on how allegations of abuse against teachers and other staff should be managed. This guidance is contained within the key document '**Keeping Children Safe in Education**' (September 2016)

This states that all schools should have procedures for dealing with allegations. This model procedure takes full account of the statutory guidance.

This guidance also takes account of the overview of how allegations should be handled set out in "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (Department of Children Schools and Families 2010). Further detailed guidance can be gained by referring to either of these documents.

## 1. Scope

This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school that provides education for children under 18 years of age 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 he or she would pose a risk of harm if they work regularly or closely with children.

## 2. 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 at all, or may do so without warranting consideration of a police investigation or enquiries by local authority children's services. In these cases Academy arrangements should be followed to resolve cases quickly and without delay. At any stage of consideration or investigation all unnecessary delays should be eradicated.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in the academy is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

## 3. Reporting Concerns

The allegation should be reported to the Principal **immediately** unless the allegation is about the Principal in which case it should be reported to the chair of governors. If the designated member of staff for child protection is unavailable the most senior member of staff who is available should be advised. Advice can also be sought from HR.

If the allegations meet any of the criteria set out in paragraph 1 the designated member of staff should report it to the Local Authority Designated Officer (LADO) on the same day. They will discuss and evaluate the allegations with you. Do not investigate the allegation before this discussion.

This 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 manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The manager should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

If the allegation is not false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to children's social care and ask for a strategy discussion in accordance with the *Working Together to Safeguard Children*. In those circumstances the strategy discussion should include the local authority designated officer and a representative of the academy.

The Principal will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the academy until the allegation or concern is resolved. An individual should only be suspended if there is no reasonable alternative. Suspension should not be the default option but if used the reasons and justification should be recorded by the academy and the individual notified of the reasons. Advice from HR should always be sought prior to suspension.

#### **4. Action following initial consideration**

Where the initial consideration or strategy meeting decides the allegation does not involve a possible criminal offence it should be dealt with by the academy. In such cases if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days.

Where further investigation is required to inform consideration of disciplinary action the employer should discuss who will undertake that with the LADO. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line manager to ensure objectivity. In any case the investigating officer should aim to provide a report to the employer within 10 working days, or as soon as is practicable. OAT should be informed of any formal investigation.

#### **5. Supporting those involved**

The designated manager should inform the accused person about the allegation as soon as possible after consulting the LADO. He or she should provide them with as much information as possible at the time. However, where a strategy discussion is needed, or police or local authority's social care services need to be involved, the designated manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.

The Principal is mindful of our duty of care to our employees. Actions will be taken to manage and minimise the stress inherent in the allegations and the disciplinary process. Support for the individual is key to fulfilling this duty. Individuals will be kept informed of concerns or allegations as soon as possible and will be provided with 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.

The Academy will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work related issues

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or local authority children's social care services need to be involved, the Principal should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including 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 should be told the outcome in confidence.

## **6. Confidentiality**

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

The Academy will take advice from the LADO, police and local authority 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.

## **7. Resignations and Settlement 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. By the same token so called 'settlement agreements' by which a person agrees to resign if the academy agrees not to pursue disciplinary action will not be used in these cases.

## **8. Record Keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, 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. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. 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.

## **9. References**

Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

## **10. Information sharing**

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This should be done as their investigation

proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

The local authority’s social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the academy without delay.

## **11. Action following a criminal investigation or a prosecution**

The police or the Crown Prosecution Service (CPS) should inform the academy and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the designated manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.

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

If the allegation is substantiated and the person is dismissed or the Academy ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the Academy and its HR adviser whether a referral should be made for consideration of inclusion on the barred lists or to the Teaching Agency is required. All dismissals will be reported to OAT.

## **13. Key contacts**

<b>KEY CONTACTS AT THE ACADEMY</b>		
	<b>Name</b>	<b>Phone Number</b>
Principal	Mr Pank Patel	0121 553 4665
Designated CP Senior Person	Mr Richard Reeve	0121 553 4665
Chair of Governors (contactable via Clerk to Governors, Sarah Davies)	Mr Frank Green	0121 553 4665
<b>KEY CONTACTS AT THE LOCAL AUTHORITY</b>		
	<b>Name</b>	<b>Phone number</b>
Local Authority Designated Officer (LADO)	Ms Uzma Bhatti	0121 569 4797
Police Child Protection Team	Sgt Lisa Jackson	0845 113 5000