

Argyle House School

Managing Allegations of Abuse against Teachers/Other Staff/Volunteers & Head Teacher Policy

Aim

This policy is about managing cases of allegation 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 in school that provides education for children under 18 years of age.

Introduction

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in our education setting is 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. Thus, the procedures outlined in this policy will be followed alongside the school's complaints procedure, child protection and safeguarding 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.

Procedure

It is our procedure that all allegations will be reported straight away, to the Designated Safeguarding Lead (Mr C Johnson) immediately, in person first and then followed up with the information recorded on the 'Allegation Against a Member of Staff Recording Form.

The School won't undertake in any form its own investigation until it has contacted the LADO at SLSCB and the police.

The Designated Safeguarding Lead (Mr C Johnson) will contact the LADO at SLSCB, where all the information gathered will be discussed and a plan formulated to progress forward and agree a course of action including any involvement of the police/social services. At all times the LADO will be informed of any new developments in the investigation taking place.

If the Designated Safeguarding Lead isn't available, the same procedure will be undertaken by the Deputies (Mr John Blair & Mrs Louise McIntosh).

If the Head Teacher or the Designated Safeguarding Lead is the subject of the allegation the LADO must be contacted directly and immediately, (the allegation can't be shared with the Deputy Designated Safeguarding Leads or colleagues until it has been agreed with the LADO) using the details below:

Sunderland Designated Officer-LADO: LADO@sunderland.gcsx.gov.uk;

Sunderland Education Safeguard Lead: Dianne.Stockdale@togetherforchildren.org.uk; (Sunderland Designated Officer referred to in the rest of the document as Designated Officer.)

An alternative place to report and allegation to is:

Sunderland Local Safeguarding Children's Board Contact Information (SLSCB):

Secure e-mail: safeguarding.children@sunderland.gcsx.gov.uk

Telephone Numbers: (0191) 5205560-during business hours

(0191) 5205552-out of hours service

Any member of the School Workforce or Community can make a referral to the LADO if they feel this is necessary, before informing the Designated Safeguarding Lead.

All allegations must be reported to the Designated Officer (LADO) or SLSCB within 24 hours.

This policy follows the Government guidance in 'Keeping Children Safe in Education' 2016 and WTSC 2013.

Purpose

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and safeguarding procedures will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for definition of harm);
- 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. This will include cases of verbal abuse.

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;
- **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.

There may be up to 3 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.

Supporting Those Involved

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. That includes the outcome of any disciplinary process. NB. 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 Head Teacher in consultation with the Designated Officer, to consider what support the child or children involved may need. The Head Teacher will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Head Teacher will also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

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.

Similarly, 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. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to College for Teaching and Leadership (NCTL) and the DBS for consideration of placing the person's name on the Children's Barred List where circumstances require that.

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.

Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

Initial Considerations

The Designated Officer should be informed, by the Head Teacher or Designated Safeguarding Lead, of all allegations of abuse against staff on the same day, even where the police are contacted directly.

The Head Teacher will inform the accused person about the allegation as soon as possible after consulting the Proprietor and the Designated Officer. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Head Teacher will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Head Teacher with the Designated Officer and other appropriate agencies, such as the police and social services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Head Teacher will consult with the Designated Officer, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB, The police will be consulted about any case in which a criminal offence may have been committed.)

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

The Designated Officer and the Head Teacher may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

Suspension

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the Head Teacher and the Proprietor. However, they will speak to the Designated Officer who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

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/her services, the Head Teacher will determine with the Designated Officer whether a referral to the NCTL and DBS is required, or advisable. The school must report to the NCTL, any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. (Independent Education & Boarding Team, Department for Education, Ground Floor Area F, Mowden Hall, Staindrop Road, Darlington, DL3 9BG). **This report will be made within fourteen days of the decision to cease using the services of that person.**

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work at the school will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and 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 attending the school.

Action in Respect of False Allegations

If an allegation is determined to be false, the Head Teacher will refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

ALLEGATION AGAINST A MEMBER OF STAFF RECORDING FORM

Date of notification:	Who notified HT:
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Allegation Against

Name:	Date of Birth:
Address:	Ethnicity:
	Job Title:
Employed By:	Employed Since:

By Whom

Name of Young Person:	Date of Birth:
	Ethnicity:
	Young person looked after:
	Young person on subject of Child Protection Plan:
	Additional information surrounding needs of young person:
Parent Contact Information: Name: Parental Responsibility: Address: Tel Number(s):	Parent Contact Information: Name: Parental Responsibility: Address: Tel Number(s):

Nature of Allegation:

- Physical
- Emotional
- Sexual
- Neglect

Place of Allegation:

- Classroom
- Corridor
- Playground
- School Trip
- In Transport
- In Family Home
- Other (specify)

Date and Time of Incident:

Circumstances of Incident:

Additional Information

Date of Strategy Meeting:

Date and Time EST/HR notified:

EST/HR Contact Name:

Outcome of Discussion with EST regarding Safeguards for Employee and Pupils

Outcome of Discussion with Head Teacher:

Notes of Action Following Strategy Meeting

Final Date of Conclusion of the Case