

Procedures for Dealing with Allegations of Abuse against Staff

September 2021

Policy Version	Frequency Review Date	Ratified By	Date Ratified	Next Review Date
November 2018	Recommended 3 yrs	Headteacher	November 2018	November 2021
September 2021.	Change to annual review in March 2021	Headteacher	September 2021	September 2022

Introduction

These procedures for dealing with allegations against staff relate to all staff, including temporary staff and volunteers, working with children and young people. They follow the Department for Education guidance dealing with allegations of abuse against teachers and other staff. This policy should be read in conjunction with the School's Safeguarding Policy, the DfE statutory documents "Keeping Children Safe in Education (KCSIE) 2019" alongside "Tower Hamlets Safeguarding Children Board's supplementary guidance for schools on managing allegations of abuse against staff members 2019".

These procedures will be used where it is alleged that a member of staff 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 he or she would pose a risk of harm if he or she works regularly or closely with children.

Initial Considerations

- Where an allegation or complaint is made against any member of staff or a volunteer, the matter should be reported immediately to the Head. If the allegation appears to meet the criteria above, they will consult with the Local Authority Designated Officer within 24 hours. The allegation will be discussed with the Local Authority Designated Officer before further action is taken.
- Where an allegation or complaint is made against the Head, the matter should be reported immediately to the Chair of Governors, without the Head being notified first. Again, any such allegations will be discussed with the Local Authority Designated Officer before further action is taken.
- Subject to the points made in the next paragraph, the Head (or the Chair of Governors where the allegation is against the Head) will inform the accused person of the allegation as soon as possible after the Local Authority Designated Officer has been consulted. The parents or carers of any student involved will be informed of the allegation as soon as possible if they do not already know of it.
- Where the Local Authority Designated Officer advises that a strategy meeting is needed, or consideration of a criminal or section 47 investigation may be required, the accused or the parents or carers will not be informed until these agencies have been consulted and it has been agreed what information can be disclosed. The parents or carers should be kept informed of the progress of the case, including the outcome of any disciplinary process.

- Where it is clear that a criminal or section 47 investigation is unnecessary, or the strategy meeting or initial evaluation decides that this is the case, the Local Authority Designated Officer will discuss the next steps to be taken with the Head (or the Chair of Governors where the allegation is against the Head). The appropriate action will depend on the nature and circumstances of the allegation, and may be dealt with in accordance with the School's Conduct Policy, and will range from taking no further action to dismissal or a decision not to use the person's services in the future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.
- In some cases, further enquiries will be needed to enable a decision to be made about how to proceed. In such cases, the Local Authority Designated Officer will discuss with the Head (or the Chair of Governors where the allegation is against the Head) how and by whom the investigation will be undertaken. The appropriate person to undertake the investigation will usually be a senior member of staff or the Designated Child Protection Person, but in some instances it may be appropriate to appoint an independent investigator as advised by the Tower Hamlets Local Safeguarding Children's Board (LSCB).
- Any member of staff, or volunteer, can make a direct referral to Children's Social Care in exceptional circumstances, if there is a risk of immediate serious harm to a young person. However, in general they are expected to raise their concerns with the Head (or Chair of Governors where the allegation is about the Head).
- The Tower Hamlets LADO (Local Authority Designated Officer) is Melanie Benzie tel: 0207 364 0677
Tower Hamlets Duty Line 020 7364 3444

Supporting those involved

The School has a duty of care towards its staff and will act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative or a colleague for support. A representative will be appointed to keep the individual informed of the progress of the case and to consider what other support is available for the individual, as appropriate.

Confidentiality

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 Head (or the Chair of Governors where the allegation is against the Head) will take advice from the Local Authority Designated Officer and police and Children's 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.

Resignations

If an accused person resigns, or ceases to provide his or her services, this will not prevent an allegation being followed up by the School. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. So-called "settlement agreements", by which a person agrees to resign if 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. Such an 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 Disclosure and Barring Service or the National College for Teaching and Leadership, as appropriate, where circumstances require that.

Record Keeping

Details of allegations that are found to have been malicious will 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 the confidential personnel file of the accused and a copy provided to the person concerned. The record will be retained at least until the accused reaches the normal retirement age or for a period of ten years from the date of the allegation, if that is longer.

Timescales

All allegations must be dealt with as a priority to avoid any delay. It is expected that 80% of cases should be resolved within one month, 90% within three months and all but the most exceptional cases should be completed within 12 months. Where possible, if it is immediately clear that the allegation is unfounded or malicious, the case should be resolved within one week of the allegation being raised. Wherever practicable, if the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the School to deal with it, although if there are concerns about child protection, the School will discuss with the Local Authority Designated Officer. In such cases, if the nature of the allegation does not require formal disciplinary action, the School will institute appropriate action within three working days of the consideration being made. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days of the consideration being made.

Suspension

- The possible risk of harm to children posed by an accused person will be evaluated and managed, particularly in respect of the student(s) involved in the allegations. In some rare cases, that will require suspension of the accused until the case is resolved.
- Suspension must not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. Suspension will only be considered in a case where:
 - o there is cause to suspect any children at the School are at risk of significant harm; or
 - o the case is so serious that it might be grounds for dismissal.
- The professional reputational damage that can arise from suspension where an allegation is later found to be unsubstantiated, unfounded or malicious must be considered. It may be that the result that would be achieved by suspension could be obtained by alternative arrangements, for example, redeployment within the School so that the individual does not have direct contact with the student(s) concerned.
- If suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by the Head (or the Chair of Governors where the allegation is against the Head). This should include what alternatives to suspension have been considered and why they were rejected. Written confirmation of the suspension will be sent to the individual within one working day, giving as much detail as appropriate for the reasons for the suspension, including details of who their named contact is within the School (see Section 3 above).

Action Following a Criminal Investigation or Prosecution

The School will consult with the Local Authority Designated Officer following the conclusion of a criminal investigation or prosecution as to whether any further action, including disciplinary action, is appropriate and if so, how to proceed. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Action on Conclusion of a Case

Where the School dismisses or ceases to use the services of a member of staff (or a governor or volunteer) because they have harmed or pose a risk of harm to a child or children, there is a duty on the School to refer the individual to the Disclosure and Barring Service. This duty also arises where the individual has resigned where they would have been removed had they not done so. Referrals will be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

When it is decided on the conclusion of a case that a person who has been suspended can return to work, the School will consider how best to facilitate this. Most people would benefit from some help and support to return to work after a 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 best to manage the person's contact with any students at the School who made the allegation or to whom the allegation related.

Unfounded or malicious allegations

Where an allegation by a student is found to have been unfounded or malicious, the Head will consider whether to take disciplinary action in accordance with the School's Attitudes to Learning Policy. If an allegation is shown to be deliberately invented or malicious, the Head will also consider whether the police should be asked to consider if action might be appropriate against any person responsible.

This policy will be reviewed annually. Next Update due March 2022.