

Policy and Guidance:	Date approved	May 2018
	Date for review	May 2020
	Management of Allegations of Abuse Against a Teacher or Member of Staff	

1. Context

- 1.1. The framework for managing cases applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her present position, or in any capacity.
- 1.2. The framework should be used in respect of all cases in which it is alleged that a person who works with children has:
 - Behaved in a way that has 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
- 1.3. There may be up to three strands in the consideration of an allegation:
 - A police investigation of a possible criminal offence.
 - Enquiries and assessment of Children's Social Care about whether a child is in need of protection or in need of services.
 - Consideration by an employer of disciplinary action in respect of the individual.

2. Preface

- 2.1. All organisations which provide services for children, or provide staff or volunteers to work with or care for children, should have and operate a procedure for handling allegations consistent with guidance in *Working Together to Safeguard Children*, DfE 2015. For the purpose of these procedures a 'staff member' is a person whose work brings them into contact with children for the purpose of education.
- 2.2. The policy is informed by the following legislation and guidance:
 - Keeping Children Safe in Education' Statutory guidance for schools and colleges, DfE (2016)
 - The Children Act 1989 and 2004
 - Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
 - Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010

- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H3 of the Education Act 2002
- Safeguarding Vulnerable Groups Act 2006

3. Introduction

- 3.1. Staff have a crucial role to play in noticing indicators of possible abuse or neglect and in referring concerns to the Designated Lead Officer for Safeguarding and Child Protection.
- 3.2. Given their contact however, staff can also be vulnerable to allegations of abuse. It is acknowledged that these may be found to be untrue. It should be remembered that children and young people sometimes make allegations to draw attentions to problems experienced elsewhere in their lives or because they have misinterpreted an incident. It is also regrettable that there are occasions when allegations are substantiated.
- 3.3. All staff working in education can contribute to child protection by helping to create a safe environment for children and young people. Children can be helped to understand what acceptable behaviour is, how they can stay safe from harm and how to speak up if they have worries.
- 3.4. Staff must also be aware of behaviour that is acceptable and behaviour that might make them vulnerable. Inspire! provides guidelines for minimising such risks within their safeguarding children policy.
- 3.5. Any instance of a child being abused by a member of staff is particularly serious. Equally, for an innocent person to be subject to what may be a lengthy period of investigation and possibly suspension, coupled with the threat of possible arrest, is a serious ordeal. Such experience can result in long term damage to a person's health and career. Any allegation against staff should therefore be handled with fairness and efficiency.
- 3.6. All efforts should be made to bring matters to a clear conclusion to safeguard both children and staff.

4. Roles and Responsibilities

- 4.1. **The Director:** The Director of Inspire! is responsible for creating a safe environment.
- 4.2. **Designated Lead and Deputy Lead Officer for Safeguarding and Child Protection:** This is a senior member of staff who has responsibility for coordinating action on general child protection issues. The Director of Inspire! and Head of Inspired Directions School hold this role.
- 4.3. **Trustees/School Governors:** The Trustees of Inspire! and Governors of the Inspired Directions School are ultimately responsible for ensuring that there are sufficient measures in place to safeguard the children in the care of Inspire!.
- 4.4. **The Chair of Trustees:** Liaises with the Director and ensures that appropriate Safeguarding and Child Protection Policy and Procedures are in place (which include allegations against staff); and presents an annual report on the child protection activity within the establishment to the Trustees
- 4.5. Where an allegation is made against the Head of School, the Director takes responsibility for managing the case.

- 4.6. Where an allegation is made against the Director, the Chair or Vice Chair takes responsibility for managing the case and for liaising with the LADO and investigative agencies.
- 4.7. The Director who takes responsibility for managing an allegation against the Head of School should not, at a later stage, form part of any disciplinary or appeal committee hearing on the same matter.
- 4.8. **Local Authority Designated Officer (LADO):** This is the person appointed by the local education authority to deal with any allegations affecting safeguarding children. The LADO:
 - Offers advice, guidance and support to the Head of School
 - Takes part in strategy meetings
 - Reports on the outcomes of internal disciplinary procedures
- 4.9. **Police:** The Police have a duty to investigate criminal offences committed against children. Such concerns involving the family, other carers or staff working with children, should be handled by the Police CAIU (Child Abuse Investigation Unit). A senior officer will oversee cases involving staff and be responsible for ensuring effective liaison with other agencies.
- 4.10. **Children's Social Care:** Children's Social Care have a duty to safeguard and promote the welfare of and to make enquiries if they have reason to suspect a child is suffering or likely to suffer significant harm. There must be a senior officer who has oversight of cases involving professionals and ensuring effective liaison with other agencies.
- 4.11. Other professionals will be involved as needed and according to the guidelines within each commissioning authority

5. Principles

- 5.1. The protection of students from abuse is the responsibility of all staff, and Designated Persons should ensure that staff and students are aware of how to report concerns of abuse and neglect.
- 5.2. Allegations or concerns made by or on behalf of a child should always be taken seriously and referred to the investigating agencies, as appropriate.
- 5.3. Investigations should be conducted in a way that recognises the vulnerability of both children and staff. Investigations must be dealt with quickly, fairly and impartially.

6. Safeguarding Environments - Reducing the Risk

- 6.1. Inspire! will be proactive in reducing the risk of allegations taking place and in reducing the vulnerability of staff by:
- 6.2. Developing a safeguarding ethos in which children and staff can express any concerns; staff are encouraged to offer constructive challenge; and where any concerns can be engaged without fear. This means that safeguarding policies and procedures are accessible to all and there are means for communication and access to skilled advice.
- 6.3. Adopting safe recruitment and termination of employment practices.

- 6.4. Ensuring that all staff receive appropriate training in child protection – signs/symptoms and referral procedures – as well as procedures in responding to allegations against staff
- 6.5. Ensuring that staff understand what safe practice is and what is not. In particular, staff must be aware of behaviours that are likely to bring about criminal, child protection or disciplinary action. All staff therefore, should be provided with clear and relevant codes of conduct -wherever possible tailored to the specific tasks they undertake.
- 6.6. Ensuring that vulnerabilities expressed by staff are taken seriously and responded to at the earliest stage.
- 6.7. Conducting risk assessments following allegations to reduce the likelihood of repetition.

7. Initial action by person to whom a concern or allegation is reported

- 7.1. Concerns or allegations may be brought to the attention of a member of staff in various ways. A child might make a disclosure directly about another member of staff; a parent or other adult may report a concern about what they say they have seen or have been told by a child; or the member of staff might observe an event or behaviour that causes them concern.

8. Listening to a child/young person making an allegation

- 8.1. Essential action for the person receiving the concern:
 - Listen carefully to the child.
 - Where necessary, only seek to gain clarification of what is being implied or alleged
 - Do not investigate any matter that may require child protection or criminal investigations
 - Avoid asking leading questions
 - Avoid interrupting a child when he/she is recalling significant events
 - Avoid making assumptions about what the child has said, or by suggesting alternative explanations for their concern.

9. Confidentiality

- 9.1. Staff should not promise total confidentiality to pupils/adults who make allegations. They should inform them that this information will only be given to those who need to know. If possible, identify who these people are likely to be. Keep an open mind and do not allow preconceptions about the child or member of staff to influence your actions.

10. Immediate Support

- 10.1. Reassure the child or adult that their allegation will be taken seriously and explain that you will inform the Head of School. Ensure where possible, that the child is separated from the person being accused, without informing anyone else of the reason. They should seek immediate assistance.

11. **Recording**

- 11.1. Record all the information – including times, place, those present and what was said.
- 11.2. Where a child has disclosed a concern, the child's own words should be noted. Sign and date the record. Any subsequent action must also be recorded.
- 11.3. Report the matter to the Head of School immediately or if unavailable, Inspire! Director or Deputy Head. If the concern/allegation is about the Head of School, report the matter to the Inspire! Director. Provide them with a written report as soon as possible, but do not let this delay your verbal reporting. If unable to contact any of these people, consult the LADO.

12. **Initial Action by the Head of School/ Director /Chair of Trustees**

- 12.1. Record details provided, including times, dates, location of incident and names of any potential witnesses. Obtain a written report from the member of staff who received the concern.
- 12.2. Further clarification from the child may be sought if necessary, but this should be restricted to confirming that an allegation has been made, what it is, where it was alleged to have occurred and whom it concerns.

13. **No attempt should be made to interview the child, the member of staff concerned, or potential witnesses.**

- 13.1. Attempts to establish the truth, however well intentioned, can seriously contaminate evidence for any subsequent investigation.
- 13.2. Record all decisions with their justification – even when a decision to take no further action is made.

14. **Initial Considerations**

- 14.1. Where an allegation has been made or there is doubt about whether it justifies further action, consultation must take place between the Head of School, the Director and the LADO. All allegations must be recorded clearly and accurately. Copies of documents relating to the incident and referral details must be forwarded to the Head of School and discussed with the LADO
- 14.2. Only those cases which are trivial or demonstrably false at the outset can be dealt with internally by the establishment. Even in these cases, it would be advisable to consult the LADO about action plans to address any behavioural problems with a pupil and to minimise further risk to staff.
- 14.3. All discussions with the LADO should be recorded, including any decisions made, along with their justification. Remember that any such communications should be limited to achieving clarification and not amount to an interview with any party.
- 14.4. The Head of School, the Director and the LADO, must consider the allegation and determine the appropriate way forward.

15. Options

15.1. Consultation with the LADO will help to decide between the following actions, depending on whether the allegations are **substantiated, false, malicious, unfounded or unsubstantiated**:

- An immediate referral to the joint agencies (Police and Children's Services) under local Child Protection Procedures
- Further local enquiries to be made to gather more information
- The allegation may have been prompted by inappropriate behaviour by the member of staff but does not amount to a child protection concern. In this case, a meeting may be required by the LADO and local disciplinary procedures might follow
- The allegation is apparently without foundation. This situation might arise out of misunderstanding, maliciousness or possibly abuse occurring elsewhere in the child's life. In the case of a misunderstanding or malicious allegations, further action on the part of Inspire may be required to minimise further risk to staff and address the student's behaviour, including disciplinary action towards the student where appropriate. Where there is a possibility of further abuse taking place elsewhere in the child's life, further exploration by investigative agencies will be necessary.

16. Allegations requiring immediate referral to the Child Protection Agencies (Police and Children's Services)

16.1. Where a pupil has suffered, is suffering, or is likely to suffer significant harm, Children's Social Care has a duty to make enquiries in order to protect the child. The harm may be of a physical, sexual, or emotional nature, or as a result of neglect.

16.2. Where it is alleged that a criminal offence has been committed against a pupil, the police will be required to make any necessary enquiries. Any physical assault (including threat of) may constitute a criminal offence and consequently the threshold of significant harm does not always need to be met.

17. Referral

17.1. Where the Head of School, Director and the LADO decide that the allegation needs to be referred as a child protection matter, the LADO should ensure that this is done. A telephone referral should be made to Children's Social Care and confirmed in writing, by way of a MARF (Multi-agency referral form) immediately.

17.2. Children's Services should acknowledge the written referral within one working day of receipt. They should be contacted if an acknowledgement has not been received.

17.3. Any internal disciplinary investigation should be held in abeyance pending the outcome of police and children's social care investigations. A decision will be made about the timing of any investigation by the LADO.

18. Strategy Discussion

18.1. A meeting will be run under the policies of each commissioning authority and Inspire will co-operate fully with all such meetings and discussions providing any and all information required.

18.2. Where an allegation has been made, the Head of Inspire working with the named representation must:

- Review any previous allegations made against the worker and the establishment
- Pass on any allegations to the commissioning local authority.

18.3. They must also:

- Ensure any emergency action needed to protect a child is taken
- Ensure all children who may be affected directly or indirectly are identified, considered and provided with support, including ex-residents if appropriate
- Consider (when relevant) any other local authorities which should be informed
- Ensure the investigation is sufficiently independent
- Make arrangements to ensure the safety of children known to the worker outside of the work place
- Make arrangements to inform the children's parents, and consider how to involve them in the investigation and provide support and information during enquires
- Consider the safety of the children after the enquiry
- Pass these matters and any other decisions taken on to the local authorities who will set up their own strategy meetings with all responsible agencies

19. Member of staff's own children and out of school activities involving children

19.1. If an accused member of staff has children of their own, or it is known that they are involved in out of school activities that involve children, then consideration of risk to these children must also be given.

19.2. If these children reside outside of this authority, or the activities with children occur outside of this authority, then it is the responsibility of local investigative agencies to notify their counterparts in the other authorities concerned.

19.3. Where child protection concerns occur within the member of staff's own family, there may be implications for children in their place of work too. In these circumstances consult LADO.

20. Suspension from work and alternative duties

20.1. The decision whether to suspend the member of staff whilst investigations take place rests with the Director who should inform the Chair of Trustees and the LADO of the action.

21. When allegations have been made, suspension should not be an automatic response

21.1. Suspension is not only a traumatic experience for the individual concerned, but also for their family.

21.2. The following criteria should be met in order to justify the suspension of a member of staff:

- Where a child or children is/are or maybe at risk of significant harm

- Where the allegations are so serious that dismissal for gross misconduct is possible
- Where the presence of an employee may hamper/inhibit an investigation
- Suspension may be considered at any stage of an investigation. It is a neutral act, not a disciplinary sanction
- Mutual agreement to refrain from work, alternative duties/locations or removal from direct contact with pupils may also be used as an alternative to suspension. These alternatives can be used if they achieve a sufficient level of safeguard during an investigation.

22. Meeting with the employee to consider suspension

- 22.1. Where suspension is considered, the Director of Inspire! should arrange a meeting with the member of staff. Prior to the meeting, the Director of Inspire! should advise the member of staff that he/she may be accompanied by a professional association representative or work colleague. The member of staff should make every effort to secure representation if required.
- 22.2. If it is not possible to identify a short term measure, depending on the severity of the allegation, it may be necessary to proceed with the suspension meeting without representation.
- 22.3. At the outset of the meeting, the Director of Inspire! should inform the member of staff that an allegation has been made and at the conclusion of the interview there may be a decision to suspend, whilst further investigation takes place.
- 22.4. The member of staff should also be told:
- That this meeting is not a formal disciplinary hearing or examination of the evidence, but an opportunity to make representations after the reasons for any proposed suspension has been given
 - That he/she may have a brief adjournment prior to giving a response
- 22.5. The member of staff should be provided with as much information as is consistent with not interfering with an investigation about the allegation. Advice should be sought from the investigating authorities and LADO in advance of this meeting.

23. Immediate action following suspension

- 23.1. The decision to suspend a member of staff should be endorsed by the Director
- 23.2. Suspension must be confirmed in writing to the employee within any timescales outlined within the disciplinary procedure. This notification should include, the date from which the suspension is effective, the reasons for the suspension, details of the disciplinary procedure and copies of any relevant documents.
- 23.3. The Director should inform the Trustees and the Local Authority that a member of staff has been suspended. The Chair of Trustees should inform the Local Authority if the Director has been suspended.
- 23.4. The Director should also ensure the Chair of Trustees is informed that a member of staff has been suspended but should ensure that they are given only minimum information to avoid prejudicing their impartiality in any subsequent hearing or appeal in disciplinary proceedings.

24. **Persons to be informed of the suspension**

- 24.1. The pupil or parent making the allegation should be informed of the investigation, reassured that the member of staff will remain with them and asked to maintain confidentiality.
- 24.2. Where the pupil is under 18, his/her parent should also be informed if consistent with wider child protection considerations.
- 24.3. The Head of School should also consider whether it is necessary to inform any other tutor. Advice should be sought from the LADO
- 24.4. In certain circumstances, the Head of School may need to provide immediate reassurance to parents and children in the educational establishment. Again, advice should be sought from the LADO on this matter. Any action should be considered against the need to avoid unwelcome publicity.

25. **Review of suspension**

- 25.1. All suspensions must be formally reviewed by Director. The aim should be to ensure that suspensions are kept as short as possible.

26. **Support for the Accused Member of Staff**

- 26.1. Whether the member of staff is suspended or not, the impact of being subjected to child protection and/or criminal enquiries should not be underestimated. Employers have a duty of care to their staff and therefore the offer of appropriate support is essential.
- 26.2. Remember that for many staff, social networks can be substantially linked with their work. If restrictions on contact are made, extra careful consideration should be given to lines of support.
- 26.3. Recommended supports:
 - A link person should be identified to keep the member of staff up to date with the development of the investigations. The link person will need to confirm with the investigating agencies what information can be shared and ensure that information is not withheld without good reason, or that there is unnecessary delay in the sharing of information. The link person can also explain the processes if the member of staff is unfamiliar with how allegations against staff are normally managed
 - The member of staff should be advised to seek help from their union or professional organisation if they hold membership. This should be viewed as additional support and not as a substitute for the employer's own duty of care
 - The member of staff can also be reminded to use the services of their own GP
 - Where the member of staff has been suspended or offered duties away from their normal place of work, a senior tutor should be asked to keep them up to date with events
 - The distress caused by an allegation is likely to mean that significant information might not be absorbed by the accused member of staff, particularly when they are first told

27. Action during child protection/criminal investigations

- 27.1. Staff in education have a duty to assist the police and Children's Social Care with child protection enquiries. Staff must maintain confidentiality about the enquiry, other than fulfilling their obligation to assist police and children's social care.
- 27.2. The LADO should maintain records for each case and monitor progress by seeking regular updates from the investigating agencies, and where appropriate the Crown Prosecution Service.
- 27.3. The LADO should also clarify what information can be shared with the member of staff concerned, to ensure regular briefings.

28. Where criminal or child protection action are not required

- 28.1. Where the strategy discussion decides that a child protection or criminal investigation is not required, the Strategy group may recommend other appropriate action. This may include:
- Taking no further internal action.
 - Further training
 - Instigate an investigation under Inspire!'s policies

29. No further action

- 29.1. If it is decided that no further action should be taken, the Head of School, in consultation with local authorities, should inform the member of staff orally and in writing – confirming that no action under disciplinary or child protection procedures will be taken. In advance of meeting the member of staff, they should be advised that they may be accompanied by a friend.
- 29.2. A record of this decision and the actions taken must be kept by all parties.
- 29.3. Consideration should be given to the provision of support or counselling for the member of staff concerned.
- 29.4. The Head of School, after consultation with the LADO should inform the child and Parents of the outcome. If dissatisfied, they should be advised of the Inspire's Complaints Procedure.
- 29.5. Consideration should be given to the provision of support for the child, and where appropriate, the parents.
- 29.6. Where no further action has been decided because the allegation was false and malicious intent was evidenced, a plan to address the child's behaviour should be agreed, with the involvement of those with parental responsibility.
- 29.7. Issue an informal warning and/or professional advice where it is considered appropriate to offer an informal warning or words of advice, consultation should take place with the Director and the LADO and this should be carried out in line with Inspire!'s Disciplinary Procedure.
- 29.8. A record of the decision and advice/warning given must be kept by all parties. Any additional guidance or training required should be recorded and acted upon. The child and parents or carers should only be informed that the matter has been taken seriously and that it is being dealt with in accordance with the correct internal procedures. Further information and outcomes remain confidential and should not be released.

29.9. Details of allegations that are found to have been malicious should be removed from personnel records.

30. Instigating an investigation under disciplinary procedures

30.1. If it is decided that a disciplinary investigation should take place, the Head of School, in consultation with Director, should appoint someone to conduct the investigation. The Investigating Officer and the Head of School should ensure they refer to Inspire!'s Disciplinary Procedure.

30.2. A written record of a negative outcome of any disciplinary investigation under this procedure must be retained indefinitely on the member of staff's personal and confidential file.

30.3. In cases where an employer has ceased to use the service of a teacher or other worker with children and young people under the age of 19, or *might have ceased to use those services* had the teacher not ceased to provide them, for reasons of misconduct, a referral should be made to the Teachers' Misconduct Team and the DfE. Information on this process can be found on the General Teaching Council website:

31. Managing the Aftermath

31.1. The outcome of any internal disciplinary process should be shared, in writing, with the LADO. Whether an allegation has been substantiated, unsubstantiated, or unfounded, a debriefing, where deemed appropriate, involving the, LA and any other investigative agencies should take place.

31.2. The impact on individuals concerned and the general morale within Inspire should be considered so that additional supports can be put in place if needed.

31.3. Risk assessments should also be considered in relation to any practices, which have made either staff or children vulnerable.