

Reepham Church of England Primary School



Policy on Allegations of Abuse Against Staff

This is a delegated policy and may be delegated to an individual governor. It will be reviewed every 2 years or sooner if required.

Reviewed May 2024.

Next review Summer 2026

Introduction

Reepham Church of England Primary School takes its responsibility of care for its students and staff seriously. We recognise that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff.

Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here. As a Local Authority school this should always be read alongside Lincolnshire County Council policies. Any updates to policy made by Lincolnshire County Council will supersede this policy.

Initial Allegation Made to the School

Any allegation of abuse by a teacher on a student must be reported to the Headteacher. Should the initial allegation first be made to any other member of staff, then that member of staff must either request the person raising the allegation to report it to the Headteacher or if that is not possible, pass details of the allegation to the Headteacher immediately.

Should the allegation be made against the Headteacher then this should be brought to the attention of the Chair of Governors immediately. In this case the process that the Headteacher would usually follow (as detailed below), will be completed by the Chair of Governors or an allocated Case Manager.

Should the allegation meet any of the following criteria then the Headteacher should report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received:

A teacher or member of staff (including a volunteer) in a school, FE college or other education establishment that provides education for children under 18 years of age has:

- Behaved in a way that has physically harmed, or may have physically 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 s/he is unsuitable to work with children.

Initial Consideration

The Headteacher will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The Headteacher should not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not patently 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 Lincolnshire County Council's Children's Social Care and ask for a strategy discussion in accordance with Working Together to Safeguard Children to be convened straight away. In those circumstances the strategy discussion should include the LADO and the Headteacher.

If there is not cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the school and any other agencies involved with the child. Also see the Safeguarding and Child Protection Policy.

Where there is no likely involvement of the police or Children's Social Care services, the Headteacher will inform the accused person about the allegation as soon as possible after consulting with the designated officer – as much information as possible will be shared with the accused.

Action following initial consideration

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Headteacher to deal with. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**.

Where further investigation is required to inform consideration of disciplinary action, the Headteacher should discuss who will undertake that with the LADO.

The investigating officer should aim to provide a report to the employer within **10 working days**.

On receipt of the report of the disciplinary investigation, the Headteacher and Chair of Governors should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within **15 working days**.

In any case in which Children's Social Care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

Case subject to police investigation

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should, wherever possible, aim to pass all information they have that may be relevant to a disciplinary case to the Headteacher within three working days of the decision. In those circumstances the Headteacher and the LADO should proceed as described above.

In any case in which Children's Social Care has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school and the Headteacher should request this information.

Throughout any part of this process we must remember our Christian values to support all involved.

Referral to DFE

If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his or her services, the school should consult the LADO about whether a referral to DFE is required. If a referral is appropriate the report should be made within one month.

Resignations and 'compromise or settlement agreements'

The fact that a person tenders their resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.

False and unsubstantiated allegations

If an allegation made by a pupil is proved to be false, unsubstantiated and/or malicious, action will be taken to determine whether the pupil who made the allegation needs services or may have been abused by someone else.

In the case of a pupil deliberately inventing or making a malicious allegation, the case manager will consider action in accordance with the Behaviour Policy and whether the police should be asked if action may be appropriate against the person responsible. If it is believed a parent or carer was forcing malicious allegations the police will also be consulted.

If it is clear to the case manager and the designated officer that the allegation is demonstrably false or unfounded, the member of staff will be informed orally and in writing of the allegation that it is without foundation and that no further action will be taken.

Where appropriate, and if requested, support will be offered, which could include Occupational Health and Counselling Services.

If an allegation made by a member of staff is proved to be false and/or malicious, an investigation will take place in accordance with the school's Disciplinary Policy. The police may also consider taking action against the individual making the allegation, the same may also be true for malicious accusations made by parents or members of the public.

Details of allegations that are found to have been malicious will be removed from the staff member's personnel file.

Allegations that are proven to be false, unsubstantiated or malicious will not be included in references.

The school has in place procedures and staff have received training on reporting low level concerns to the headteacher, see Child protection policies and procedures.

Appendix 1 – Information Guide for Employees Facing Allegations

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that that you have:

- Harmed a pupil or put a pupil at risk of harm.
- Committed a criminal act towards a pupil.
- Behaved in a way that raises concern about the risk you may pose to children or young people.

1. Initial action

As soon as possible after the allegation is made, the Headteacher should consult the designated officer to discuss the next action points, taking advice from Children's Social Care services and the police as needed. The police may advise that you are not told about the allegation immediately.

The Headteacher's decision in consultation with the designated officer will be one, or a combination of, the following:

- a. The pupil is alleged to have suffered, or is likely to suffer, significant harm which requires immediate referral to children's social care services.
- b. A criminal offence is alleged – this requires referral to children's social care services and the police.
- c. The allegation represents poor or inappropriate behaviour – this should be considered under the school's disciplinary and/or capability procedures, including referral, if appropriate, to the school's occupational health advisor.
- d. The allegation is clearly and demonstrably without foundation and no further action will be taken.

If the conclusions of the initial discussions are a. or b., a strategy discussion should take place involving police, children's social care services, the case manager, designated officer and the school HR business partner. You should not be present. The discussion will focus on the needs of the pupil(s) who may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures.

If the initial discussions conclude the situation is as outlined in c., an investigation will be initiated under the school's disciplinary and/or capability procedures.

If the conclusion is as outlined in 'd', you should be told orally and in writing that the allegation is without foundation and that no further action will be taken.

2. Types of possible investigation

The types of investigation that may be undertaken are:

- Child protection inquiries by children's social care services.
- Criminal investigation by the police.
- Disciplinary/capability investigation.

A disciplinary investigation will usually be held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line

with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

3. Suspension

Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the strategy discussion, and should only occur when the known facts relating to the allegation indicate:

- A pupil may be at risk.
- The allegation is so serious that dismissal for gross misconduct is possible.
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Alternatives to suspension will be considered, e.g. leave of absence, transfer of duties, additional supervision.

Where suspension is being considered, an interview with you will normally be arranged. You have the right to be accompanied by a trade union representative or a colleague. You are advised to seek the assistance of your union representative. If you are suspended, one of their roles will be to promote your interests and raise issues that may be of concern to you.

The interview is not an examination of the evidence, but an opportunity for you to make representations concerning possible suspension.

Other people, including other staff, should only be told about the allegation on a 'need-to-know basis'. Notification may be delayed if the police think this could prejudice an investigation.

Those who will be told of the allegation and likely course of action include you, the pupil concerned, their parents, the person making the allegation, your manager, the case manager, school HR business partner, the designated officer and the investigating agencies as above.

If you are suspended, those persons likely to be on a disciplinary panel, if convened, will be given limited information so any future disciplinary process is not prejudiced. If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

4. Support

You should expect to be:

- Advised to contact your union representative.
- Given a support contact within the school who should keep you up-to-date with the progress of your case.
- Given a team contact, if you are suspended, who will update you about normal school activities. Social contact with colleagues should not be precluded unless this would be detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation.
- Offered access to the staff counselling service and/or occupational health support.

This may be a stressful time, so in addition to contacting your union representative, you are advised to see your GP if you think your health may be affected