CHILTERN LEARNING TRUST

PROCEDURE FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

PROCEDURES WHERE SCHOOL EMPLOYEES OR SCHOOL WORKERS FACE ALLEGATIONS OF CHILD ABUSE

It is essential that any allegation of abuse made against a teacher, another member of staff, a school worker, an agency worker or a volunteer in an 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.

This procedure complies with the framework guidance about managing cases of allegations of abuse against adults who work with children that will be set out in the Department for Education "Dealing with Allegations of Abuse against Teachers and other Staff" DCSF

A list of essential contacts within the local authority is provided as appendix one. School Thresholds for Child Protection Referrals is provided as appendix two.

Support for staff involved is covered in paragraph 4.2 of this document.

1 WHAT TO DO WHEN AN ALLEGATION IS MADE

1.1 Allegation made to school

1.2 All staff, workers and volunteers should understand what to do if they receive an allegation against another school employee or worker or they themselves have concerns about the behaviour of another member of staff. All allegations should be reported straight away, normally to the Headteacher, or in cases where the Head is the subject of the allegation or concern to the Chair of the Governing Body. Failure to report an allegation in accordance with procedures could result in disciplinary action. Please also see paragraphs 12, 15, 16, 17 and 20 of the Code of Conduct for Employees in Schools.

1.3 In considering the allegation, if it meets any of the following criteria:

That the teacher or member of staff or other adult 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 s/he would pose a risk of harm if they work regularly or closely with children.

The Headteacher/Chair of Governors should report it to the Local Authority Designation Officer LADO (LADO) the same day.

1.4 The Headteacher should not investigate the allegation at this stage, they may fact find if requested to do so by the LADO, Initial Assessment Team (IAT) or Human Resources (HR).

1.5 If the LADO is not available the Headteacher / Chair of Governors should contact a member of the Initial Assessment Team (IAT), a member of the HR team or the Police Child Protection Unit. All contact details are available in appendix one.

1.6 All other allegations regarding the conduct of adults working within the school will be dealt with through the school's complaints/disciplinary procedure. Appendix 2 sets out a checklist schools may use to help decide whether or not to make a referral. If there is any doubt, advice must be sought from the LADO.

1.7 Allegations made directly to the Police or to the Initial Assessment Team

1.8 If an allegation is made to the police, the officer who receives it should report it to the Child Protection Team without delay and the designated liaison officer should inform the LADO straight away. Similarly if the allegation is made to the Initial Assessment Team the person who receives it should report it to the LADO without delay.

1.9 Any allegation made against a school worker who is not employed by the school will still require the involvement of the school during any investigation. The Headteacher (or designated Senior Leadership Team member) will be expected to participate in any strategy meeting. Any further involvement required will be as agreed during the strategy meeting.

2 Initial consideration

2.1 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 Initial Assessment Team 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.

2.2 The LADO will discuss the matter with the Headteacher and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

2.3 If the allegation is not patently false and there is cause to suspect that a child has

suffered or is likely to suffer significant harm*, the LADO will immediately refer to the Initial Assessment Team and ask for a strategy discussion in accordance with "The Working Together to Safeguard Children" to be convened straight away. In those circumstances the strategy discussion should include the LADO, the Police Child Protection Officer, a Human Resources representative and the Headteacher. In exceptional circumstances the discussion may include the need to suspend a staff member or the need to seize evidence (including school equipment).

Significant harm; Harm is defined by the Children's Act 1989 as ill treatment (including sexual abuse and, by implication, physical abuse) and impairment of health (physical or mental) or development (physical, intellectual, emotional, social or behavioural)

2.4 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 should also involve the school and any other agencies involved with the child.

2.5 If there is not cause to suspect that "significant harm" is an issue, but that the allegation was prompted by inappropriate behaviour the Headteacher will seek advice from Human Resources regarding applying the schools disciplinary procedures.

2.6 Action following initial consideration

2.7 Where the initial consideration decides that the allegation does not involve a possible criminal offence any further action taken will be by the Headteacher / Chair of governors with advice from human resources. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher / Chair of Governors should institute appropriate action within 3 working days.

2.8 Where further investigation is required to inform consideration of disciplinary action the Headteacher / Chair of Governors and Human Resources should discuss who will undertake that. The appointed investigating officer should aim to provide a report to the Headteacher / Chair of Governors as soon as possible.

3 On receipt of the report of the disciplinary investigation, the Headteacher / Chair of Governors should consult with human resources, and decide whether a disciplinary hearing is required. If a hearing is needed it should be held within 15 working days or as soon a possible

3.1 In any case in which the Initial Assessment Team has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher / Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The human resources

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

3.2 Case subject to police investigation

3.3 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review; the review should take place no later than 4 weeks after the initial action meeting. *Police investigations take precedence over internal disciplinary procedures.* Formal disciplinary procedures will follow.

3.4 If the person is convicted of an offence the police will inform the employer straight away so that appropriate action can be taken.

3. 5 Referrals

3.6 If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his/her services, the school should consult with the LADO and Human Resources about whether a referral to ISA (Independent Safeguarding Authority) and the GTC (General Teaching Council) is required.

There is a legal requirement for employers to make a referral to the ISA where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. ISA will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments. Local authorities, schools, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the ISA. Referrals should 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.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. The Headteacher should contact HR to discuss the management of an employee's return to work. The school should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.

4 SUPPORTING THOSE INVOLVED

4.1 The Pupil

The LADO's first step will be to discuss the allegation with the Headteacher (or Chair of Governors) to confirm details of the allegation. If the parents/carers of the child concerned are not already aware of the allegation, the designated officer will also discuss when, how and by whom they should be informed. However, in some circumstances the school may need to advise parents of an incident involving their child straight away, for example if the child has been injured while at school or in a school related activity, and requires medical treatment. Whilst the case is ongoing, parents should also be kept informed about the progress of the case. Before informing parents of an outcome, advice should be sought from HR regarding what information is appropriate to convey to parents whilst adhering to data protection.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, the Initial Assessment Team, or the police as appropriate, should consider what support the child or children involved may need.

4.2 The Employee

The Headteacher should inform the accused person about the allegation after consulting the LADO. However, where a strategy discussion is needed, or police or the Initial Assessment Team may need to be involved, the Headteacher should not do that until those agencies have consulted jointly, and have agreed what information can be disclosed to the person. It is imperative that the Headteacher provides effective support to the employee by providing the employee with a contact name from the School (normally the investigating officer) and advise that the employee contacts their union or professional association. If the person is suspended, the school should also keep the individual informed about developments at school.

5 CONFIDENTIALITY

5.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered. In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally provide any information to the Press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.) The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

6 RESIGNATIONS AND "COMPROMISE AGREEMENTS"

6.1 The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. 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. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

6.2 By the same token 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, must not be used in these cases. Nor can it override the statutory duty to make a referral to ISA where circumstances require that.

7 RECORD KEEPING

7.1 It is important that 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, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The LADO will maintain a record of all informal allegations. If a referral is made to social services or the police, a written note or the strategy meeting notes should be kept by the school, HR, LADO and Social Services. All information should be securely stored. These notes are completely confidential, they do not form a part of any evidence pack should the case proceed to a disciplinary hearing and must not be made available to the person whom the allegation has been made about**.** Child protection records can be kept on computers and are exempt from the disclosure provisions of the Data Protection Act 1984. For manual records, the Education (School Records) Regulations 1989 exempt information relating to child abuse from the requirement of disclosure.

7.2 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 CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

8 TIMESCALES

8.1 Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions in the summary description of the process below. Those are not performance indicators: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but they provide useful targets to aim for.

9 WHISTLEBLOWING

All staff should be made aware of the organisation's whistle-blowing policy and encouraged to voice any concerns they may have about the attitude and actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter directly to the LADO.

10 REFERENCES

Allegations that are proved to be substantiated should be included in a reference requested. Allegations that are found to have been malicious should be removed from an employee's personnel record. Any allegations that are not substantiated, are unfounded or malicious should not be referred to in an 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.

APPENDIX ONE

PROCEDURES WHERE SCHOOL EMPLOYEES OR SCHOOL WORKERS FACE ALLEGATIONS OF CHILD ABUSE

List of Contacts:

LADO – – LBC.

Paul James	Tel: 548069
Simon Ashley.	Tel: 548107 or 07766 325916

HR – Human Resources – LBC.

Sharon Giles.	Tel: 548190
Sharon Harte-Andrews	Tel: 548049
Fiona Hutton.	Tel: 548051

IAT – Initial Assessment Team – LBC.

547656
547817

Child Protection Team–Police Central Referral Unit.

Graham Twyford Tel: 394103

Union Representatives should liaise with a contact from the HR team.

APPENDIX TWO

ALLEGATION OF ABUSE IN A SCHOOL – RECORDING FORM

School:	
Pupil's Name: **D.O.B.**	
Date of incident: (including year) **Time:**	
Record the following factually: **Attach a separate sheet if necessary, can be handwritten provided it's clear**	
Who?	**What?**
Where?	**When?**
Opinion (substantiated) if appropriate	
Names and job titles of any other staff involved (or names of pupils, other adults present)	
What action has been taken, and by whom?	
Your Name (printed):	**Signature**
Your job title: **(should normally be completed by Headteacher)**	**Today's date**

Reports should be objective and based on evidence. They should distinguish between fact, observation, allegation and opinion. Please now check to make sure your report is clear - and will also be clear to a stranger reading it next year. Please pass a copy of this form to Sharon Giles, HR department.