



Managing Allegations Policy

January 2017

Next Review Due: January 2018



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POLICY DATE: January 2017

REVIEW DATE: January 2018

Key Staff

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Introduction

All schools are under an absolute duty to promote and safeguard the welfare of children at the school, and to have regard to guidance issued by the Secretary of State in so doing. HMFA schools take this responsibility seriously and will ensure that any allegation of abuse made against a teacher or other member of staff or volunteer in the school is dealt with fairly, quickly and consistently, in accordance with the DfE guidance.

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.

The procedure documented within this policy must be used in any case where it is alleged that a teacher or other member of staff or a volunteer at the school has:

- behaved towards a child or children in a way that has harmed 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 is unsuitable to work with children.

All members of staff in the school will be made aware of this policy during induction.

In the event of an allegation about a member of staff or volunteer in school the allegation should be reported to the Senior Management Team immediately unless the allegation is about the Head in which case it should be reported to the Chair of Governors.

HMFA staff are aware of their responsibilities in reporting any inappropriate behaviour by members of staff, towards children, to the Senior Management Team immediately.

The person receiving the disclosure **MUST** fully document all details of the conversation immediately.

If the allegation meets any of the following criteria:

A member of staff or volunteer has allegedly

- 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 is unsuitable to work with children

the Head Teacher should report it to the LA designated officer (LADO) immediately.

The Head Teacher should inform the accused person about the allegation as soon as possible after consulting the LA designated officer. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the Head should 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 should be advised to contact that organisation at the outset.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in school 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.

There may be up to three 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.

In some circumstances the school will need to consider a case in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation. That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation.

Some cases will also need to be reported to DfE for consideration of including the person on List 99.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. They should 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. N.B. 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 should 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, should consider what support the child or children involved may need.

The school should 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 school should also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

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

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 co-operate 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 co-operate. 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.

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. In any event, 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 List 99 where circumstances require that.

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

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 should be convened in accordance with paragraph 4.41 of 'Working Together to Safeguard Children'.

Suspension should 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 must not be suspended automatically, or without careful thought. The power to suspend is vested in the Head Teacher and the governing body of the school.

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 and there has been a deliberate act to deceive.
- **False:** there is sufficient evidence to disprove the allegation.
- **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation. This term, therefore, does not imply guilt or innocence.

At the conclusion of a case in which an allegation is substantiated the LA designated officer should review the circumstances of the case with the Head Teacher and Chair of governors to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

If an allegation is determined to be false, the LA designated officer should 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.

Details of allegations that are found to have been malicious should 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 purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will also provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction.

The record should be kept until the accused has at least reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

When writing references, cases in which an allegation was proven to be false, unsubstantiated, or malicious, should not be included in employer references.