

# Broomhill Infant School

## Allegations of Abuse Against Staff



Reviewed October 2021

### General Principles

Broomhill Infant School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer within our School is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation.

Our policy is in line with statutory guidance from the Department of Education in Part 4 of Keeping Children Safe in Education:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible.

This policy only applies to adults currently working at the Broomhill Infant School. Allegations concerning someone who is no longer at the School will be reported directly to the police.

All allegations will be taken seriously and investigated immediately.

### Purpose

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer within the School 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 he or she would pose a risk of harm if they work regularly or closely with children.

Cases which are not covered by the above will be dealt with under the staff disciplinary arrangements.

It is imperative that allegations against staff are dealt with as efficiently as possible to minimise the risk to the child, minimise the impact on the child's academic progress and ensure a fair and thorough investigation for all parties. To enable this to happen, all staff, parents, and students should be aware of the contents of this policy and the procedures set out in the appendix.

This policy aims to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers from false or unfounded allegations. Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

This policy must be followed when dealing with allegations, but may be adapted to each case. This policy will be used alongside the School's Complaints policy and Safeguarding and Child Protection policy.

### **Confidentiality**

The School will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same School or college (where that identification would identify the teacher as the subject of the allegation).

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

No information will be given to the media.

### **Monitoring and Review**

The School will review this policy every three years as a minimum and assess its implementation and effectiveness.

In addition to this cycle, the policy and related processes will be reviewed in each case an allegation is made to see if there are any improvements that can be made in its practice that may help to prevent similar cases in the future.

## **Appendix 1**

Procedure for Managing Allegations of Abuse The procedure for managing allegations of abuse against teachers and other staff follows statutory guidance set out in Part 4 of the Department for Education's 'Keeping Children Safe in Education (September 2019)'.

### **Reporting an Allegation**

For staff working within the School, allegations will be reported to the Headteacher or the Designated Safeguarding Lead immediately or, where the Headteacher is the subject of concern, to the Chair of the Governing Body.

These key staff have overall accountability for ensuring any allegation reported to them is followed up immediately and investigated in full. This includes liaison with the Local Authority Designated Officer (LADO).

To ensure any allegation is taken seriously and managed promptly and efficiently with due consideration to confidentiality, the involvement of other members of a School's leadership team should be by exception and only when deemed absolutely necessary by the Headteacher.

In any case where it is suspected or alleged that a member of staff or a volunteer within the School 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 he or she would pose a risk of harm if they work regularly or closely with children;

The Local Authority Designated Officer (LADO) should be immediately contacted for further advice and so they can consult police and children's social care services as appropriate. The decision to refer the allegation is not a judgement as to whether the concerns are founded or not.

The LADO will discuss the nature, content and context of the allegation and agree a course of action to decide whether:

- no further actions are needed.
- a strategy discussion should take place.
- there should be immediate involvement of the police or social care.

The School will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made; the LADO will consider whether a police investigation or a strategy discussion is needed. Other agencies may be invited into the discussion and could include representatives from Health, Social Care or Police.

### **Investigation**

An investigation into the allegations is normally carried out by the School and/or the Children's Social Care. This will be agreed at the initial evaluation stage. Where the School is not conducting the safeguarding investigation it will cooperate with investigative agencies. The School recognises

the impact an investigation may have on any member(s) of staff involved in the process. Therefore any investigation will be conducted in a timely and efficient manner but not to the detriment of a thorough and proper exploration of the allegation.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Any allegation against a member of staff (or volunteer) that does not, in the judgement of the School, satisfy the criteria outlined earlier, should be investigated and dealt with through the School's internal disciplinary procedures.

### **Supporting Those Involved**

Parents and carers will be notified by the School if their child makes, or is involved in, an allegation against staff if they do not already know. However, if the Police or Social Care are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.

Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers. Social Care and the Police may be involved, depending on the severity of the case, and will provide the School with advice on what type of additional support the child may need.

The School's Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and allows for a sensitive enquiry to take place.

Broomhill Infant School has a duty of care to its employees and will do everything to minimise the stress of any allegations and the subsequent investigation and process. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer across the School is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

The person who is the subject of the investigation will be informed by the School as soon as the allegation has been made. The employee will then be advised on what the next course of action will be. However, if the Police or Social Services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The School will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the School should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

### **Suspensions**

The School will not suspend a member of staff without serious consideration. The School will not suspend a member of staff automatically when an allegation has been made. Typically, suspension will only be considered in cases where there is cause to suspect a child or other children at the School are at risk of harm, or if the nature of the case warrants a criminal investigation, or where the case is so serious that it might be grounds for dismissal.

Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from contact with the child to whom the allegation relates. This may take the following forms:

- redeployment within the School/School so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the School/School so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted;
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative School or work location across the School.

The decision on whether or not a suspension is necessary can only be taken by the Headteacher and this will normally be following a discussion with the LADO and in line with any advice provided by the Police and or Social Care.

Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis with consideration being given to any potential risks.

Any suspension will be a neutral act and will in no way imply guilt or otherwise. However, 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. Where it is deemed that a suspension is appropriate, the employee will be informed of the reason for the suspension, will continue to receive full pay for the duration of the suspension and receive written confirmation within one working day. The employee should be informed at the point of their suspension who their named contact is within the organisation and be provided with their contact details.

### **Resignations**

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

It is not appropriate to use compromise agreements in situations which are relevant to these procedures.

### **Action on Conclusion of the Case**

The following definitions are used when determining the outcome of allegation investigations:

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

At the conclusion of any investigation it will be for the School to decide as to whether disciplinary action should follow. This decision will be taken with consideration to any advice provided by the LADO. In cases where disciplinary action is deemed appropriate then the School's internal disciplinary procedures will be followed. In cases where disciplinary action is not deemed appropriate, the School will ensure the subject of the allegation is informed as such immediately and necessary steps are taken to close the matter. Support will be offered to the employee to facilitate their return to normal working practices, if required.

Where an employee has been suspended, the School will ensure provisions are put in place to ensure a smooth return to work and as smooth a transition as possible. This will be managed on a case by case basis, but may involve a phased return or the use of another member of staff as a support system in the short term. If the child to whom the allegation related is still at the School, the School will consider what needs to be done to manage the contact between employee and child.

### **DBS and List 99 Referrals**

The School has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

The School will be advised by either the LADO or the Police and/or Social Services on whether a referral for consideration of List 99 action is required or necessary. Referrals should be made as soon as possible after the resignation or removal of the individual. The DBS will consider whether to bar the person.

## **Record Keeping**

Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the employee who has been under investigation. The employee will also be entitled to be given a copy of the same information.

This will enable the School to:

- prevent unnecessary re-investigation in the future if an allegation re-surfaces
- where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- provide all necessary information, as legally required, for future Schools if they require a reference. Allegations that are proven to be false, unsubstantiated or malicious will not be used in employee references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

The record will be kept (including for employees who leave the School) for at least 10 years, or until the person reaches normal retirement age, whichever is longer.

## **Malicious or Unsubstantiated Allegations**

For any allegations that are made by an adult and that are subsequently found to be unsubstantiated or malicious, the School will determine whether to take further action under the School's disciplinary procedure. In addition, this information may be handed over to the police who may take further action against that person.

If an allegation made by a pupil is determined to be unsubstantiated or malicious, the LADO should refer the matter to the Children's Social Care Services to determine whether the child concerned is in need of services, or may have been abused by someone else. The School will decide what the proper sanction will be for the pupil who made the false allegation, which may include suspension or expulsion or referring the case to the police if the School thinks a criminal offence has been committed.

Where an allegation is proven to be false, the School may refer to Social Services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere.

## **Review and Continuous Improvement**

No matter what the outcome is of an allegation of abuse against staff, the School will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.