



Ashton House School

**Handling Allegations of Abuse Made Against Staff
Policy**

Policy Title:	Handling Allegations of Abuse Made Against Staff Policy
Version:	1.2
Policy Summary:	This policy provides direction on how allegations of abuse made against a staff member, volunteer, contractor or service provider should be managed.
Policy Owner:	Headteacher
Relevant to:	All staff, volunteers, contractors and service providers, parents and guardians
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Related School Documents:	<ul style="list-style-type: none"> • Safeguarding Concern Form (Green) • Disciplinary Policy • Safeguarding Policy • Whistleblowing Policy • Staff Code of Conduct
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ASHTON HOUSE SCHOOL

HANDLING ALLEGATIONS OF ABUSE MADE AGAINST STAFF POLICY

Introduction

This policy provides direction on how allegations of abuse made against a staff member, volunteer, contractor or service provider should be managed. It does not cover complaints made about misconduct or professionalism as these are managed via the schools Complaints Policy and Staff Disciplinary Processes.

An allegation is likely to be made if a staff member, volunteer, contractor or service provider has:

- Behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a crime against or related to a child
- Behaved towards a child in a way that shows that s/he poses a risk of harm to children.

Policy Scope

This policy relates to members of staff, volunteers, contractors and service providers who are currently working in a school regardless of whether the school is where the alleged abuse took place. Allegations against a member of staff, volunteer, contractor or service provider who is no longer employed should be referred to the police. Historical allegations of abuse should also be referred to the police.

If an allegation is made against a member of staff, volunteer, contractor or service provider the school will do all that it can to ensure that the process of investigating the allegation is concluded quickly. It will also ensure that all parties are treated fairly and consistently in line with school policies and procedures.

The school as an employer has a duty of care to its staff members, volunteers, contractors and service providers and will ensure that any individual who is subject to an allegation is supported through the process by allocating a staff member to liaise with and support the individual. Individuals are also encouraged to seek advice and support from any union they are a member of.

Procedure for Handling Allegations

Stage One

All allegations must be directed toward the school's Designated Safeguarding Lead who will record all the relevant information. Unless the allegation is made against the Designated Safeguarding Lead, in which case the allegation should be directed to the proprietor.

The allegation will be referred to the Local Area Designated Officer (LADO) for advice.

Stage Two

Following LADO advice, a decision will normally be taken whether the issue should be pursued via the school disciplinary procedures or other methods as appropriate.

In the case of unsubstantiated or false allegations, the school will seek advice from local authority designated officer as the child may be in need of support services or may have been abused by someone else. The school will also consider commencing disciplinary action against the pupil(s).

The Police may be contacted by the school as a result of a false or unsubstantiated allegations.

Should the LADO consider that the allegation is founded, the Headteacher or Proprietor will follow the advice given by the local authority designated officer. The local authority children's services team will normally appoint a case manager to oversee the investigation of the allegation.

Stage Three

As a consequence of stage two, it may be agreed by the case manager, local authority designated officer and headteacher that no further action is required against the accused individual. This should be recorded in full by both the school and the local authority designated officer and should be communicated to all parties involved at the earliest opportunity. The local authority designated officer may agree a number of further actions that will need to be pursued to support those involved in the allegations. The school will play a full role in implementing any agreed actions.

As a consequence of a decision to not pursue action against the accused individual, the school reserves the right, if appropriate, to pursue other action against the accused via the school disciplinary procedures. The school may also consider commencing disciplinary action against the pupil(s).

If a decision is taken to pursue the allegations further, the case manager will lead the investigation. The school will participate in the resulting investigation as well as providing support to the accused and the child and their parents or guardians.

It is important that at the earliest opportunity the accused individual is made fully aware of the allegations and is given all relevant information pertaining to the allegations. The parents or guardians of the child should also be informed at the earliest opportunity, if they are not already aware of the allegations. The school plays an important role in supporting all parties through this process.

Stage Four

If as a result of the decision to pursue the allegations a criminal investigation commences, the school will take no further action against the accused until such times as the Police confirm that the criminal investigation and any subsequent trial is complete or that the investigation is closed without charge or that a prosecution will not be pursued after the individual is charged. As a consequence, the case manager, local authority designated officer and the school's headteacher will consider whether any further action, including disciplinary action, should be pursued against the accused individual.

The school will also agree and implement a support plan to enable the child to continue with their education and to enable, where appropriate, the accused individual to return to work.

Stage Five

The school will decide whether it is appropriate to pursue disciplinary action against any individual involved in the accusations, regardless of whether a criminal investigation and trial has been completed or not. The school will apply its normal disciplinary measures in all cases.

If at any point during the previous stages, the accused individual resigns from their employment with the school, this will not prevent the allegations from being pursued and will not prevent disciplinary action being pursued.

Settlement or compromise agreements will not be considered by the school as a means of resolving these matters.

Stage Six

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. A referral must also be made to the NCTL regarding professional misconduct. Guidance on referrals can be found on www.gov.uk

Confidentiality

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a person who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the person as the subject of the allegation).

The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the individual 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 individual by members of the public).

Suspension

Suspension should not be an automatic response when an allegation is reported. Suspension should only be considered where there is cause to suspect a child or other children at the school is or will be at risk of harm if the accused continues to be present at the school or if the continued presence of the accused individual may hamper or hinder investigations or give rise to evidence being affected.

In most cases the school will seek to redeploy the individual to other duties, including:

- Redeployment within the 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 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 and involved in the decision.

The decision to suspend or not must be taken in conjunction with the case manager and local authority designated officer.

The decision to suspend or not should be reviewed at regular intervals, depending on the circumstances of the allegations and the progress of the investigation.

Record Keeping

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 provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Allegations Involving Contractors or Service Providers

Where an allegation is received against an individual who is neither in the direct employment of the school or a volunteer, such as a supplier of catering services, the same procedures should be followed. However, the process is likely to also require the involvement of a representatives from the individual's employer or supplying organisation.

The school will ensure that any contractor or service provider is aware of these procedures and contractually agrees to comply with the school's procedures.