



Policy Date: January 2023

Allegations of Abuse Policy

This policy should be read in conjunction with the school's Safeguarding & Child Protection Policy, Disciplinary Policy and Whistleblowing Policy, which include additional procedures relating to allegations against staff that relate to matters of professional misconduct and that are unrelated to matters of abuse towards pupils.

In the event that an internal investigation is required, the procedures for investigation identified within the school's disciplinary process will be adopted.

In circumstances where the involvement of external agencies is required for the purposes of the investigation, advice will be sought from the Achieving for Children (AfC) LADO, and the appropriate procedures will be incorporated in order to facilitate the external investigation.

However, this policy sets out the general principles to which the school will adhere in situations where an allegation against a member of staff has been made.

Background

Given their contact with young people, members of staff can be vulnerable to allegations of abuse and therefore it is particularly important that staff remain continually aware of behaviour that is acceptable and behaviour that may leave them vulnerable. Such matters are addressed within the school's safeguarding policy and included within the school's induction and training programmes.

The Governing Body of Richard Challoner School recognises its collective responsibility to safeguard and protect the welfare of children and young people in accordance with its statutory responsibility under section 175 of the Education Act 2002 and, where appropriate, under the Children Act 1989.

This policy provides details of the procedures to be followed in circumstances where an allegation has been made against a member of staff working at the school, whether in a paid or voluntary position, including a member of staff who works with pupils on a temporary or supply basis.

Procedures will be conducted in accordance with the statutory guidance from the DfE, www.gov.uk/government/publications/keeping-children-safe-in-education--2, the guidance provided by the Kingston and Richmond Partnership and with regard to the appropriate legislation.



Policy Date: January 2023

Reporting an allegation, safeguarding responsibilities and general principles

Richard Challoner School has a whole school approach to safeguarding and we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Despite all efforts to recruit safely, there may be occasions when allegations of abuse against children are reported to have been committed by staff, supply staff, practitioners and/or volunteers, who work with pupils in our school.

An allegation is any information which indicates that a member of staff, supply staff or volunteer may have:

- behaved in a way that has, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

This applies to any child the member of staff, supply staff or volunteer has contact with in their personal, professional or community life, as if they had child protection concerns raised for their own children.

To reduce the risk of allegations, all staff should be aware of safer working practice and should be familiar with the guidance contained in the staff handbook, the staff behaviour policy (code of conduct) and the 'Guidance for safer working practice for adults who work with children and young people in education settings'

https://www.saferrecruitmentconsortium.org/_files/ugd/f576a8_0d079cbe69ea458e9e99fe462e447084.pdf

All staff should be aware of Richard Challoner School 's staff behaviour policy.

All school staff should take care not to place themselves in a vulnerable position with a pupil. It is always advisable for interviews or work with individual pupils or parents to be conducted in view of other adults.



Policy Date: January 2023

We understand that a pupil may make an allegation against a member of staff or staff may have concerns about another staff member. If such an allegation is made, or information is received which suggests that a person may be unsuitable to work with children, the member of staff receiving the allegation or aware of the information, will immediately inform the headteacher or the DSL.

The headteacher or the DSL on all such occasions will discuss the content of the allegation with the local authority designated officer (LADO) within 24 hours and before taking any further action.

If the allegation made to a member of staff concerns the headteacher, the person receiving the allegation will immediately inform the chair of governors who will consult the LADO as above, without notifying the headteacher first. Contact details for the chair of governors are as follows. Email address: chair.governor@richardchalloner.com

Reporting to the LADO applies even where the nature of the alleged assault would not normally meet the threshold if applied to children in their own families. For example, a report of a child being smacked by a parent, with no injury caused, would be unlikely to require any response by police or Children's Social Care. However, a similar report of a child being smacked by a teacher should be responded to because of:

- the vulnerability of children away from home
- the higher standards of conduct demanded by law and regulation of those caring for other people's children
- the position of trust enjoyed by such people

Richard Challoner School will follow the London child protection procedures for managing allegations against staff London child protection procedures: allegations and procedures set out in Keeping Children Safe in Education 2022.

Suspension of the member of staff, against whom an allegation has been made, needs careful consideration, and the headteacher will seek the advice of the LADO and an HR consultant in making this decision. All options to avoid suspension will be considered. In the event of an allegation against the headteacher, the decision to suspend will be made by the chair of governors in consultation with the LADO and HR.

If the allegation is regarding supply staff, the school will ensure that allegations are dealt with properly. In no circumstances will the school cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO)



Policy Date: January 2023

to determine a suitable outcome. The school will discuss with the agency whether it is appropriate to suspend the supply worker, or redeploy them to another part of the school, whilst they carry out their investigation.

If an allegation pertains to another adult not employed directly by the school, for example catering staff, cleaning staff, peripatetic teachers, sports coaches or a former member of staff, the school will work directly with the employing agency and the LADO as described above.

We will ensure that all external agencies used are provided with details of the school's process for managing information.

We have a procedure for managing the suspension of a contract for a community user in the event of an allegation arising in that context.

Staff, parents and governors are reminded that publication of material that may lead to the identification of a teacher who is the subject of an allegation is prohibited by law. Publication includes verbal conversations or writing including content placed on social media sites.

There are procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in a regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. If a teacher is dismissed due to serious misconduct, or might have been dismissed had they not left first, consideration will be given as to whether to refer the case to the Secretary of State via the Teaching Regulation Agency.

Low level concerns

The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to

- being over friendly with children



Policy Date: January 2023

- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

The culture of our school is such that staff are encouraged to pass on low level concerns to the Designated Safeguarding Lead or to the Headteacher. These concerns will be recorded and dealt with appropriately.

Ensuring they are dealt with effectively will also protect those working in or on behalf of the school from potential false allegations or misunderstandings.

Determining the outcome of an investigation into an allegation

In determining the outcome of an investigation into an allegation, the following definitions will be used in accordance with DFE guidance.

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

Full details of a substantiated allegation, how it was followed up and resolved, and a summary of the action taken and decisions reached will be retained on the confidential personnel file of the member of staff, and s/he will be provided with a copy.

The procedure

The governing board takes seriously its responsibilities of duty of care towards its employees. The process will be managed in such a way as to minimise the stress inherent in such circumstances, and appropriate levels of support will be discussed and agreed with any member of staff who is the subject of an allegation, and her/his representative where applicable.



Policy Date: January 2023

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way, and provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

In the event that an allegation against a member of staff is made, priority will be given to ensuring that a resolution to the allegation is reached as soon as possible. The procedures will be applied in a fair and consistent manner and in such a way as to protect the pupil.

The timeframe for bringing the matter to a conclusion will depend upon the nature, seriousness and complexity of the allegation, however the school will aim to reach a resolution within one month where this is possible.

Initial considerations

The procedures adopted in relation to allegations made will be applied using common sense, reasonableness and judgement. It is recognised by the DFE that many cases 'may not meet the criteria (set out above), or may do so without warranting consideration of either a police investigation or enquiries by local authority (LA) children's social care services'. Under such circumstances, the Governing Body will adopt the appropriate procedures set out within its disciplinary policy in order to bring the matter to a conclusion as soon as possible.

In circumstances where the allegations made are serious, for example, if the member of staff is deemed to be an immediate risk to children or there is evidence of a possible criminal offence, they will require immediate intervention by the police. The AfC LADO will be informed immediately and advice will be sought regarding contact with the appropriate local agencies.

The school will immediately appoint a case officer, normally the child protection officer, to handle matters in connection with the investigation into the allegation. There will be relevant consideration as to who should carry out the investigation and this may, on occasion, necessitate the appointment of an external investigator.

Following the initial contact with the AfC LADO, the case officer will liaise with the AfC LADO regarding the nature and context of the allegation in order to agree on the appropriate course of action. The AfC LADO may seek additional information from the LA regarding previous history, for example whether a child or her/his family have made similar allegations and the individual's current contact with children in other roles. During such a process, the AfC LADO may recommend the involvement of the police. Contact with the member of staff accused must be made as soon as reasonably



Policy Date: January 2023

practicable following consultation with the AfC LADO. In response to an allegation, the governing board will consider all alternative options before taking any decision to suspend a member of staff. Suspension is not considered the default option and such action will only be taken only if there is no reasonable alternative. Reasonable alternatives may include the following, however any decision will be based on assessment of risk and the school's ability to reasonably accommodate an alternative arrangement:

- Redeployment within the school so that the member of staff does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the member of staff has contact with children.
- Redeploying to alternative work in the school so the member of staff 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 clear this is not a punishment and parents have been consulted.
- Temporarily redeploying the member of staff to another role in a different location.

The individual is advised to contact her/his trade union representative, if they have one, or a colleague who can provide support.

Action will be taken in response to the allegation with due regard to the procedures identified within the school's disciplinary policy. The member of staff against which the allegation is made will be provided with details in writing of the action taken, including suspension if deemed appropriate, and setting out the reasons and justification for the decision.

No case to answer

The process of sharing information and its evaluation may lead the school, in consultation with the AfC LADO, to the decision that there is no case to answer and therefore no further action will be taken against the member of staff facing the allegation or concern. In such circumstances, the decision and associated reasons will be recorded by the case officer and the AfC LADO, who will agree on the content of a letter to the member of staff, setting out the relevant details. Details of the action



Policy Date: January 2023

to be taken with regard to the member of staff, for example appropriate support, and in respect of the individual/s who made the initial allegation will also be discussed and agreed in accordance with the confidentiality provisions referred to below.

Where it is clear an allegation is unfounded or malicious, the school will aim to resolve the matter within one week. This malicious allegation “where a person deliberately makes a false allegation about an offence in order to have a person arrested” is commonly known as perverting the course of justice, and would be reported to the Police for them to investigate further.

The investigation process

Where the process of information sharing as specified above leads to a conclusion that there is a case to answer, an investigation process will be required.

The case officer will inform the member of staff regarding the allegations against her/him as soon as possible and following consultation with the AfC LADO.

The member of staff will be provided with as much information as possible at that time. Advice should be sought from the AfC LADO on what information the school is permitted to disclose to the member of staff, based on the agreement of any other agencies involved. Individuals should be given an explanation of the likely course of action, unless there is an objection by the children’s social care services or the police.

If the allegation is ‘not demonstrably false or unfounded’, and the school has cause to suspect a child is suffering or is likely to suffer significant harm, the case officer, in consultation with the AfC LADO will convene a ‘strategy discussion’ involving the appropriate agencies. Where an allegation concerns physical contact, the agencies will take into account the staff member’s entitlement to use reasonable force to control or restrain pupils in certain circumstances.

Where it is clear that an investigation by the police or the children’s social care services is unnecessary, or the strategy discussion (see above) agrees that is the case, the case officer will agree with the AfC LADO the appropriate way forward. In most cases this will involve the application of the investigation process within the school’s disciplinary procedures (please refer to the school’s disciplinary policy for further details).



Keeping the member of staff informed and support

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty.

During the investigation, a process will be adopted to ensure that the member of staff who is the subject of the allegations is kept informed. In cases of suspension, this will include the provision of a named contact at the school, appointed by the case officer, in order to facilitate communication throughout the investigation. Contact with the suspended employee will take place according to the timescales to be set out at the start of the investigation and this must include relevant updates on work-related issues.

Similar arrangements will be made by the case officer to appoint a contact to liaise with a member of staff who has remained in the workplace during the investigation.

The named contact will keep the member of staff informed of progress in relation to the case and will monitor the support arrangements in place and recommend additional or alternative support as necessary.

The member of staff who is the subject of the allegations will not be prevented from having social contact with colleagues and friends, unless there is evidence to suggest that such contact may be prejudicial to the investigation process.

Support will be offered by way of occupational health or local welfare arrangements as appropriate.

Supporting parents and the child affected

Parents or carers of a child or children involved will be notified regarding the allegation as soon as possible where they are not already aware of the matter. However, due regard is given to the need for a strategy discussion as appropriate (please see above), or the agreed involvement of other agencies, because the level of disclosure of details must be in accordance with DFE statutory guidance.

Parents or carers will be kept informed, through an agreed named contact, regarding the progress of the investigation, any relevant decisions made regarding the process and, in confidence, the outcome where there is no criminal prosecution. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed and careful



Policy Date: January 2023

consideration must be given to the relevant provisions of the Human Rights Act 1998 and the Data Protection Act 1998.

The named contact will make parents and carers aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. Should parents or carers wish to apply to the court for the removal of reporting restrictions, they will be advised to obtain legal advice.

In circumstances where it is believed that a child may have suffered significant harm, or there may be a criminal prosecution, the AfC LADO will liaise with the appropriate agencies to consider what support the child or children involved may need. This need will also be highlighted to the AfC LADO by the school's case officer.

Malicious allegations

Details of allegations that are investigated and found to be malicious or unsubstantiated will be removed from personnel records and no reference will be made to the matter in employer references.

The school is concerned to protect staff from the consequences to their wellbeing should unsubstantiated allegations be pursued by parents on behalf of pupils; in such an event we shall make every effort to defend their reputation and care for their welfare.

Pupils who are found to have made malicious allegations will be considered in breach of the school's behaviour policy. This will be treated as a serious matter and the appropriate sanctions will be applied.

Confidentiality

The school will make every effort to maintain confidentiality and to guard against unwanted publicity during an investigation or while an allegation is considered. Legislation regarding reporting restrictions will be adhered to at all times, in particular the reporting restrictions under the Education Act 2011 preventing the publication of material that may lead to the accused teacher being identified until the accused is charged with an offence. 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



Policy Date: January 2023

communication in whatever form, which is addressed to the public at large or any section of the public’.

However the reporting restrictions 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 case officer will take advice from the AfC LADO and the police in order to agree who needs to be informed and what information can be shared. Advice will also be sought on appropriate sharing of information with the wider community in order to reduce speculation and the management of any press interest, breaches of confidentiality or gossip.

Resignation during the investigation

Should an employee resign during an investigation following an allegation, the school will continue with the investigation process and every effort will be made to reach a conclusion, even in circumstances where the employee refuses to co-operate. 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. However, the employee will be given the opportunity to remain fully involved in the process and to answer the allegation against them.

Settlement agreements

Settlement agreements will not be used in circumstances where an allegation relates to abuse of a pupil. Such an agreement will not prevent a thorough police investigation where that is appropriate and it cannot override the governing board’s statutory duty to make a referral to the disclosure and barring service (DBS) where this is required.

Employer references

Should an allegation or allegations prove false, unsubstantiated, unfounded or malicious it/they will not be referred to in employer references. Additionally, the history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.



Policy Date: January 2023

Allegations leading to a criminal investigation or a prosecution

The police or the crown prosecution service (CPS) should inform the school and the AfC LADO immediately when a criminal investigation and any subsequent trial is complete, if an investigation is closed without charge, or if there will be no prosecution after the person has been charged. In such circumstances, the case officer will discuss with the AfC LADO whether any further action, including disciplinary action, is required and agreement will be reached as to how to proceed. Information received by the police and/or children's social care services will be relied upon in order to inform the decision.

Action on conclusion of a case

Should the allegation be substantiated and the employee is dismissed, or s/he resigns, the AfC LADO, the case officer and the school's HR adviser will discuss and agree whether to refer the case to the DBS for consideration of inclusion on the barred lists, or to refer the matter to the Teaching Agency.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Professional misconduct cases should be referred to the relevant regulatory body and the referral will be made as soon as possible after the removal, or the resignation, of the member of staff involved.

Returning to work

Where a member of staff has been suspended and the conclusion of the investigation is that s/he can return to work, the case officer, in consultation with the headteacher, will consider how best to facilitate the return to work. A meeting will be arranged with the member of staff concerned to agree how best this can be achieved and to understand what support will assist her/him in returning to the workplace following this stressful experience.



NOTES FOR THE GOVERNING BOARD

General

Any instance of a pupil being abused by a member of staff is particularly serious. Equally, should an innocent person be subject to investigation, possible suspension and/or the threat of arrest, this is an extremely stressful and serious ordeal, which may lead to long term damage to the person's health and career. Any allegation must be fair and dealt with as quickly as possible.

Resignation during investigation

It may be difficult to reach a conclusion in circumstances where a member of staff resigns during an investigation, and it may not be possible to apply disciplinary sanctions if her/his period of notice expires before completion of the process. Nevertheless, it is important to reach and record a conclusion wherever possible.

Determining the outcome of an investigation into an allegation

The purpose of the record is to enable the provision of accurate information in response to any future request for an employer's reference. It may also be required where future DBS disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it may help to prevent unnecessary re-investigation should a future allegation be made. The record should be retained at least until the individual has reached normal retirement age or for a period of 10 years from the date of the allegation if this is longer.

Suspension

Children's social care services or the police cannot require the Governing Body to suspend a member of staff or a volunteer, although the school should give appropriate consideration to their advice. The power to suspend is vested in the Governing Body of the school. Police involvement does not make it mandatory to suspend a member of staff and decisions should be taken on a case-by-case basis and with due regard to assessment of risk.

Disclosure and barring service (DBS)

Reporting a matter to the DBS does not mean the person will be automatically barred from working with children and vulnerable adults. Responsibility for reporting an individual to the DBS extends to a situation where the person has chosen to cease their employment in circumstances where they would have been removed had they not done so.

An organisation is breaking the law if it knowingly employs someone who is barred.



Policy Date January 2023

Returning to work

Depending on the individual's circumstances, a phased return to work or the provision of a mentor to provide support may be helpful. The school should also consider any contact the member of staff may have with the child or children who made the allegation and how this can be best managed.

Monitoring

At the conclusion of an investigation process, the school should take the opportunity to review the circumstances and the process in order to establish whether improvements could be made to the procedures to help prevent similar events in the future, and to ensure future procedures are fit for purpose.

Unfounded or malicious allegations

Staff can be vulnerable to allegations of abuse and it is acknowledged that the allegations may be untrue. However, schools should remain aware that children and young people sometimes make allegations to draw attention to problems experienced elsewhere in their lives. If an allegation is determined to be unfounded or malicious, the AfC LADO must refer the matter as appropriate in order to determine whether the child concerned is in need of services, or whether they have been abused by someone else. In such circumstances, the school is advised to discuss this matter with the AfC LADO to ensure the appropriate action is taken.

Review due: January 2024

Review Cycle: Annual