



Policy for Dealing with Allegations of Abuse against Staff

Reviewed by RAK Sep 17 | Next Review Date: Sep 18

This is a whole School Policy including Prep, Pre-Prep, EYFS, After School Care and Holiday Club

Introduction

1. Abberley Hall 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 in 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. This is a whole school policy and applies to Prep, Pre-Prep, EYFS, After School Care and Holiday Club. We know that abuse could happen here at Abberley Hall.
2. This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the handling of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible.
3. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Headmaster immediately or to the Chair of Governors where the Headmaster is the subject of concern. All allegations will be taken seriously and dealt with immediately.
4. **It is important to note that the school is not to investigate allegations of abuse. Any allegations are referred as soon as possible to LADO and WSCB who investigates the allegation with the help of the Police, the School and Social Services.**

Purpose

5. The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy should be read in conjunction with Abberley Hall's Complaints, Safeguarding and Whistle Blowing Policies. Staff may also refer to the Staff Code of Conduct, Staff Capability and Disciplinary Procedure and Grievance Procedure in the Staff Handbook.
6. This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at Abberley Hall has:
 - a. Behaved in such a way that may have harmed a child or may have intended to harm a child. Our Safeguarding Policy outlines what it means to harm a child
 - b. Acted outside of the law in relation to dealings with a child

- c. Behaved in any way that suggests they may be unsuitable to work with children

Timescale

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

Procedure

3. **Reporting an allegation.** If an allegation is made against a teacher the quick resolution of that allegation must be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated. It is important to emphasise that the school must not undertake their own investigations of allegations without prior consultation with the Local Authority Designated Officer (LADO), or in the most serious cases, the Police, so as not to jeopardise statutory investigations. In borderline cases discussions with the LADO can be held informally and without naming the school or individual.
4. All concerns of poor practice or possible child abuse by staff should be reported immediately to the Headmaster or DSL. In the absence of the Headmaster or if allegations about the Headmaster are made, they should be reported to the Chair of Governors or Safeguarding Governor, who will then contact the Local Authority Designated Officer (LADO), without the Headmaster being informed. Complaints about the DSL should be made to the Headmaster.
5. Complaints against a Boarding Housemaster or Housemistress should be referred immediately to the LADO, so that advice may be sought on temporary rehousing during any investigation. The Headmaster should be kept informed of any allegations against staff.
6. Staff who are concerned about the conduct of a colleague towards a pupil 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.
7. The LADO should be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police.
8. Immediate contact should be made with the LADO to discuss the allegation, consider the nature, content and context of the allegation and agree a course of action including any involvement of the police. Discussions should be recorded in writing, and communication with both the individual and the parents of the child/ children agreed. The school must consider carefully whether the circumstances of the case warrant suspension or whether alternative arrangements



should be put in place. The school should give due weight to the views of the LADO and the policy when making a decision about suspension.

9. From 1st October 2012, there are restrictions on the reporting or publishing of allegations against teachers and so schools must make every effort to maintain confidentiality and guard against unwanted publicity. These restrictions apply up to the point where the accused person is charged with an offence, or the DfE/NCTL publish information about an investigation or decision in a disciplinary case.

10. Abberley is committed to promptly reporting to DBS any person (whether employed, contracted, volunteer or student) whose services are no longer used and DBS referral criteria are met.

11. For EYFS, all allegations of serious harm by any person living, working or looking after children at Abberley Hall (whether the allegation relates to harm or abuse committed on the premises or elsewhere) must be reported to Ofsted. This must be done as soon as reasonably practicable but at the latest within 14 days.

12. **Investigation.** An investigation into the allegations is carried out by the LADO and WSCB with the help of the Police, the school and the social services.. This will be agreed at the initial evaluation stage. Internal investigations must be second to any Safeguarding investigation and may need to be delayed until the external investigation is complete.

13. **Supporting those involved.** The person(s) who makes the allegation and their parents/carers:

a. Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the Police or social services 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. A staff member may be designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. 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.

b. Social services 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.

c. The school's Whistle blowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

14. **The Employee.** Abberley Hall has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

15. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Headmaster has spoken to the Chair of Governors. 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.

16. The Chair of Governors will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. 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.

17. 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.

18. **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.

19. 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.

20. **Timescales and Oversight and Monitoring.** It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. It is expected that 80% of cases should be resolved within a month, 90% within three months and all but the most exceptional should be completed within 12 months.

21. The LADO has overall responsibility for oversight of the procedures for dealing with allegation and resolving inter-agency issues and for the liaison with the LSCB (Local Safeguarding Children's Board). The LADO will provide advice and guidance to the school, in addition to liaising with the police and other agencies and monitoring the progress of the case to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process

22. **Suspensions.** The school will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. 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 the pupil making the allegation.

23. A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Headmaster [and Chair of Governors] holds the power to suspend an employee but will be advised by the Police and or social care whether or not a suspension is necessary.

24. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

25. **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 person's co-operation. They will be given full opportunity to answer the allegation.



26. Ceasing to use a person's services includes: dismissal; non-renewal of a fixed-term contract; no longer engaging/refusing to engage a supply teacher provided by an employment agency; terminating the placement of a student teacher or other trainee; no longer using staff employed by contractors; no longer using volunteers; resignation; and voluntary withdrawal from supply teaching, contract working, a course of initial teacher training, or volunteering. It is important that reports include as much evidence about the circumstances of the case as possible. Failure to make a report constitutes an offence. 'Compromise agreements' cannot apply in this connection, or where the individual refuses to cooperate with an investigation. Proprietors of independent schools have a legal duty to respond to requests from the DBS for information they hold already, but they do not have to find it from other sources.

27. **Record keeping.** Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the school to:

a. provide all the necessary information for future schools if they require a reference. 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.

b. prevent unnecessary re-investigation in the future if an allegation re-surfaces.

28. The record will be kept, including for people who leave the organisation, at least until the person reaches retirement age or for 10 years if that will be longer, from the date of the allegation.

29. Allegations that are proven to be malicious or unsubstantiated will not be kept on employment records or used in employee references.

30. The records will be kept by the **Chair of Governors**. Details of any allegation made by a pupil will be kept in the confidential section of their record.

31. **Action on conclusion of the case.** If the investigation does result in the dismissal or resignation of a person and that person has been charged with a criminal offence, a referral must be made immediately by the school to the DBS. The school will be advised on this by the Police and/or social services. 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 a regulated activity, or would have been removed had they not left. Independent schools are also under a duty to consider making a referral to the National College for Teaching and Leadership (NCTL) where a teacher has been dismissed (or would have been dismissed had he/she not resigned) and a prohibition order may be appropriate. Reasons such an order would be considered are: "unacceptable professional conduct", "conduct that may bring the profession into disrepute" or a "conviction, at any time, for a relevant offence". Further guidance is published on the NCTL website. Where a referral has been made to the DBS, it is not necessary for a referral also to be made to NCTL, as information is shared between the two bodies. Where a dismissal does not reach the threshold for DBS referral, separate consideration must be given to an NCTL referral.

32. If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may



involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

33. **Action in the case of false allegations.** Where an allegation is proven to be false, the Headmaster and Chair of Governors 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.

34. If an allegation is found to be intentionally fictitious and malicious, the Headmaster will decide what the proper sanction will be for the pupil who made the false allegation. The school's Behaviour Policy sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

35. The Headmaster may wish to include the school governors when considering what action to take. The school has the power to suspend or expel pupils who make false claims, or refer the case to the Police if the school thinks a criminal offence has been committed.

36. If the claim has been made by a person who is not a pupil, the school will hand the information over to the Police who may take further action against that person.

37. **After the case.** 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.

38. This Policy is Issued by Mr Richard Keeble, the Designated Safeguarding Lead, in September 2017.

The Board of Governors will be monitoring compliance with this policy.

Signed: Date: **1 September 2017**
The Chair of Governors
Mr James Tanner

Signed: Date: **1 September 2017**
Headmaster
Mr Will Lockett

An all School Policy including the Prep, Pre-Prep, EYFS, After School Care and Holiday Club



Appendix 1

Useful Contacts

Internal

- **Richard Keeble (Head of English and Head of Pastoral Care)**
 - *Designated Safeguarding Lead*
- **Matt Bennett-Tomlin (Head of Boys' Boarding)**
 - *Deputy to Designated Safeguarding Lead- Main School.*
- **Cecilia Dean (Science Teacher)**
 - *Deputy to Designated Safeguarding Lead- Main School.*
- **Emma Green (Class 2 Pre-Prep Teacher)**
 - *Deputy to Designated Safeguarding Lead in Pre-Prep and for EYFS*
- **Mrs Catharine Hope**
 - *Governor responsible for Safeguarding*

External

- **The Family Front Door:**
 - Professionals' number to report a concern: 01905 822666
 - Out of Hours Emergency Duty Team: 01905 768020
- **Jon Hancock:**
 - Worcestershire Local Authority Designated Officer LADO:01905 752800
- **Children's Services Access Centre:** 01905 768054
- **Out of Hours Emergency Duty Team:** 01905 768020
- **Police Public Protection Unit:**
 - **24hrs non-emergency** 0300 333 3000
 - **Emergency** 999
 - **NSPCC Helpline** 0808 800 5000
- **DBS Address for Referrals:**
 - **PO Box, Darlington, DL1 9FA**
 - **Tel: 01325 953 795**

Guidance Documents:

- Keeping Children Safe in Education (DfE September 2016)
- Working Together to Safeguard Children (DfE Issued 2013)

Useful Website: <http://www.nspcc.org.uk>

