



St. Jérôme Church of England
Bilingual School

Dealing with
Allegations of Abuse against
Teachers and Other Staff

Reviewed at the Full Governing Body: **TBC**

Executive Headteacher:

(Reverend D Norris)

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Date:

Next due Review Date:

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1. Introduction

Despite all efforts to recruit safely there will be occasions when allegations of abuse against children are raised.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer, including a governor of the 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.

This procedure is drawn up taking account of the following guidance:

- Working Together to Safeguard Children 2010
- London Child Protection Procedures 2010
- Safeguarding Children and Safer Recruitment in Education (Chapter 5: Dealing with Allegations of Abuse against Teachers and Other staff) – updated by DfE September 2011
- Keeping Children Safe in Education April 2014 – Part 4

This procedure has been endorsed by the Hillingdon Local Safeguarding Children's Board.

2. When to use this procedure

This procedure should be used in respect of all cases in which it is alleged that a teacher or other member of staff (including a volunteer) in a 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 they are unsuitable to work with children

These behaviours should be considered within the context of the four categories of abuse (i.e., physical, sexual and emotional abuse, and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:-

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss 16-19 Sexual Offences Act 2003)
- 'Grooming' i.e., meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);

- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.);
- Possession of indecent photographs / pseudo-photographs of children

3. What might be involved?

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Social care enquiries and/or assessment 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.

4. Roles and Responsibilities

4.1 The school should designate:

- A senior manager to whom allegations or concerns which fit the criteria set out in paragraph 1 should be reported
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern

The designated person will decide whether allegations should be reported to the Local Authority Designated Officer (LADO) – see below.

4.2 The Local Authority provides a central point of contact to whom the designated senior manager must report all appropriate allegations which fit the criteria set out in paragraph 1. This is the Local Authority Designated Officer (LADO). The LADO's role is to:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to the school;
- Liaise with the police, children's social care, and other agencies.

5. Initial Considerations

This procedure for dealing with allegations needs to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above at all, or may do so without warranting consideration of a police investigation or enquiries by local authority children's services. In these cases local arrangements should be followed to resolve cases quickly and without delay.

Some rare allegations will be so serious as to require immediate intervention by the local authority's social care services and/or police.

6. Initial Response to an Allegation or Concern

An allegation against a member of staff may arise from a number of sources (e.g., report from a child, a concern raised by another adult in the school, or a complaint by a parent).

6.1 Initial action by person receiving or identifying an allegation or concern

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager, or deputy in their absence or where the senior manager is the subject of the allegation

6.2 Initial action by the Designated Senior Manager

When informed of a concern or allegation, the designated senior manager should not

investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the allegation / concern, signed and dated by the person receiving (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff concerned, any decisions made, and the reasons for those decisions.

If the allegation meets the criteria set out in paragraph 1 above, the designated senior manager should report it to the LADO **within one working day**. Referral should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager should consult the LA Children's Social Care emergency duty team or local police and inform the LADO as soon as possible.

Following the telephone conversation the allegation Report Form available at **Appendix 3** should be completed and returned to the LADO.

7. Initial Discussion with the LADO

The purpose of an initial discussion with the LADO is for the LADO and the Headteacher to consider the nature, content and context of the allegation and agree a course of action. The LADO and designated senior manager should consider whether further details are needed and whether there is evidence that establishes that the allegation is false or unfounded.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the designated senior manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The designated senior manager

should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.56 of the Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

8. Strategy Meeting/Discussion

Wherever possible, a strategy meeting/discussion should take the form of a meeting. The following is a list of possible participants:

- LADO;
- Social care manager to chair (if a strategy meeting);
- Relevant social worker and their manager;
- Detective sergeant;
- Designated senior manager for the school
- HR representative
- Those responsible for regulation and inspection where applicable (e.g. Ofsted)
- Consultant paediatrician

Depending on the circumstances of the case, the LADO will make the decision on who would be the appropriate professionals/agencies who should be in attendance.

The strategy meeting /discussion should:

- Decide whether there should be a s47 enquiry and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. s550a Education Act 1996 in respect of teachers and authorised staff);

- Consider whether a complex abuse investigation is applicable;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when

The strategy meeting/discussion should also:-

- Ensure that arrangements are made to protect the children involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected
- Ensure that the investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension. The decision to suspend lies entirely with the school.
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of the headteacher and governing body (e.g., media interest);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the school's safeguarding arrangements;
- Agree dates for future strategy meetings/discussions

9. Information Sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

The Local Authority's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the school without delay.

10. Outcome of strategy discussion/meeting or initial evaluation

10.1 Cases leading to a police investigation and/or enquiries by Children's Social Care

The meeting will consider if the school's disciplinary process can be taken forward in parallel with the criminal investigation; or whether it is necessary to wait for the outcome of the police enquiries before any disciplinary action can be considered.

Each case must be judged on its merits, but it is important to remember that the balance of proof in a disciplinary case is far less than in a criminal investigation, and a successful criminal prosecution is not essential for an employee to face disciplinary sanction. However, the school must be careful to ensure that their disciplinary investigations/actions do not in any way jeopardise a criminal investigation. Advice from the police and LADO will be essential when making this decision.

10.2 Cases which do not require police investigation and/or enquiries by children's social care

Where it is clear that an investigation by the police or children's social care services is unnecessary, the LADO should discuss the next steps with the designated senior manager. In these circumstances the options open to the school will depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

The circumstances of the case and the school's own disciplinary and conduct policies will determine the most appropriate action.

If further investigation is necessary to enable a decision about how to proceed, the LADO should discuss with the designated senior manager how and by whom the investigation will be undertaken. In straightforward cases the investigation should

normally be undertaken by senior member of the school staff. However, in other circumstances lack of appropriate resource or expertise within the school, or the nature or complexity of the allegation may require an independent investigator, in which case the school may consider commissioning an independent investigator.

11. Informing others Involved

The LADO will advise the school whether or not informing the parent of the child involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the school should inform the parent. In some circumstances, however, the parent may need to be told straight away (e.g., if a child is injured and requires medical treatment).

12. Informing the person accused of the allegation

The school should seek advice from the LADO, the police and/or children's social care about how much information should be disclosed to the accused member of staff. Subject to restrictions on the information that can be shared, the school should, as soon as possible, inform the accused member of staff about the nature of the allegation, how enquiries will be conducted. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to the school's counselling services for support.

The accused member of staff should be:

- Treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Advised to contact their trade union representative, if they have one, or a colleague for support;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace

13. Suspension

Suspension is a neutral act and it should not be automatic. Other alternatives such as redeployment or the presence of an assistant should be carefully considered. Permanent damage to a professional reputation can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

It 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;
- The allegation is so serious that it might be grounds for dismissal

Views on suspension can be canvassed at any strategy discussion/meeting held. However, only the headteacher or the governing body has the power to suspend and they cannot be required to do so by the local authority or the police, although schools should give appropriate weight to their advice.

Where it has been deemed appropriate to suspend this should be confirmed in writing to the individual within **one working day**. Suspension will be in line with the school's disciplinary procedures.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school should consider how best to facilitate that. Most people would benefit from some help and support to return to work after what can be a very stressful experience. Depending on the individual's circumstances, a phased return and/or provision of a mentor to provide assistance and support in the short term may be appropriate. The school should also consider how the person's contact with the child or children who made the allegation can best be managed.

14. 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. In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police might depart from that rule, e.g., an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand).

Schools should take advice from the LADO, policy and local authority social care services to agree the following:-

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any, information can be reasonably given to the wider community to reduce speculation; and

- How to manage press interest if and when it should arise

15. Resignations and 'Compromise Agreements'

Every effort should be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, even if:

- The individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if the person's period of notice expires before the process is complete

By the same token so called 'compromise agreements', by which a person agrees to resign provided disciplinary action is not taken and that a future reference is agreed, **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 the Independent Safeguarding Authority (ISA) where circumstances require that.

16. Conclusion of the Case – Referral to the Independent Safeguarding Authority (ISA)/Regulatory Body

If the allegation is substantiated and the employee is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide their services as a result, the senior designated manager should discuss with the LADO whether a referral to ISA or to the General Teaching Council (GTC) is required. (Subject to the passage of the Education Bill 2011, it is planned that the GTCE will be abolished at the end of March 2012, and from this point onwards cases of serious misconduct will be considered by the new Teaching Agency, acting on behalf of the Secretary of State.)

The ISA Referral Guidance and Referral Form are available on the ISA website at the following link

<http://www.isa.homeoffice.gov.uk/default.aspx?page=379>

There is a legal requirement for employers to make a referral to the ISA where they think that an individual has harmed, or is likely to harm a child, including inappropriate sexual conduct. Referrals should be made as soon as possible after the resignation or removal of the staff member and within one month of ceasing to use the person's services. The ISA will consider barring the person from working in a regulated activity.

17. Action in respect of False Allegations

If an allegation is determined to be false, the senior designated manager in consultation with the LADO, 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. In the rare event that an allegation is shown to have been deliberately invented or malicious, the senior designated manager should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if they were not a pupil.

18. Lessons Learnt

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the senior designated manager 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.

19. Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel records.

For all other allegations, even in cases where the allegation has not been substantiated, 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 person's confidential personnel file, and a copy provided to the person concerned.

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

Working Together to Safeguard Children (2010) explains that the purpose of retaining this record is to:-

- Enable accurate information to be given in response to any future employment reference;
- To provide clarification if a future CRB disclosure reveals information that an allegation was made which did not result in prosecution or conviction; or
- To prevent unnecessary investigation if an allegation re-surfaces after a period of time.

Appendix 5 provides a Record of Allegations template that schools can consider using to record allegations of this nature.

20. References

Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

Appendix 1

Timescales for Action under this Procedure

For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week.

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the school to deal with it in accordance with local disciplinary procedures, although if there are concerns about child protection, the school should discuss with the LADO.

In such cases:

- If the nature of the allegation does not require formal disciplinary action, the senior designated manager should institute appropriate action **within 3 working days**.
- If a disciplinary hearing is required and can be held without further investigation, where local disciplinary policy and procedure allows, the hearing should be held **within 15 working days**.
- Where further investigation is required to inform consideration of disciplinary action the Headteacher/Senior designated manager and the School's HR Adviser should discuss who will undertake that with the LADO. In some circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. In any case, the investigating officer should aim to provide a report **within 10 working days**.
- On receipt of the report of the disciplinary investigation, the Headteacher/Senior designated manager should reach a decision on whether to proceed to a disciplinary hearing **within two working days** of receipt of the report.
- If a disciplinary hearing is needed it should be held **within 15 working days**. The format of the hearing will be determined by the school's disciplinary policy and procedure.

Appendix 2

Summary

Schools can use the following summary as a checklist – but must refer to the full procedure for guidance.

- When an allegation is made it must be reported to the **school's senior designated manager**.
- The senior designated manager should report this to the **Local Authority Designated Officer (LADO)**.
- The LADO will decide if a **formal strategy discussion/meeting** should be convened (in cases of risk of significant harm), and will arrange for that to happen.
- If the threshold for significant harm is not met, the LADO will carry out an **initial evaluation** – this may or may not involve the police and or children's social care.
- The employer and the LADO will agree the **next steps** – if possible the employee will be informed of the allegation at this stage.
- The employer will aim to carry out any agreed **next steps** within the recommended **timescales** (set out at Appendix A).
- **A summary record of the allegation**, whether substantiated or not, will be kept on the individual's personnel file until they reach normal retirement age, or for ten years whichever is longer. However, allegations that are **found to have been malicious should be removed** from the personnel file.
- Allegations that are **not substantiated**, are **unfounded or malicious** should **not be referred to in employer references**.

Appendix 3

Allegations Against Those Who Work With Children Reporting Form

The form must be returned to: Janice Altenor, Local Authority Designated Officer (LADO)
4S/07 Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW

Fax 01895 250873 or Email: jaltenor@hillingdon.gov.uk

Date of notification to LADO	
Details of Person Making the Referral	
Organisation (School)	
Name	
Designation	
Contact Details (Telephone & Email Address)	
Details of Child/Young Person	
Name of Child/Young Person	
Date of Birth	
Details of Adult Who Is The Subject Of The Allegation	
Name	
Date of Birth	
Home Address	
Occupational Group (e.g., Teacher, Teaching Assistant, Volunteer, Governor)	
Details of Allegation	
Nature of Allegation	<ol style="list-style-type: none">1. Physical Abuse2. Sexual Abuse3. Neglect4. Emotional abuse5. On-line/internet abuse
Detail of alleged incident (include location, predisposing factors, injuries sustained, potential witnesses)	
Signature of Referrer	
To be completed by LADO	
Is a strategy meeting required?	
If Yes, proposed date of meeting	
If No, on what basis decision not to hold a strategy was reached?	
Signature of LADO	

**Appendix 4
Allegations Management Contacts**

Name of Organisation	Role	Name/Job Title	Contact Details (Address, telephone, email)
.....(School)	Appointed Senior Designated Manager (all allegations of this nature will be reported to this person)		
.....(School)	Deputy appointed to Senior Designated Manager (in the absence of the appointed Senior Designated Manager all allegations of this nature will be reported to this person)		

Appendix 5

HIGHLY CONFIDENTIAL – TO BE PLACED ON EMPLOYEE PERSONAL FILE

RECORD OF AN ALLEGATION/CONCERN RAISED RELATING TO AN ADULT WHO WORKS WITH CHILDREN

School:

Name of Employee (Volunteer/Governor)	Employee Number	Date of Birth
Job Title	Date of Allegation	

PART ONE

Explanatory statement

This statement is made in accordance with guidance contained within:

- Working Together to Safeguard Children 2010
- London Child Protection Procedures 2010
- Safeguarding Children and Safer Recruitment in Education (Chapter 5: Dealing with Allegations of Abuse against Teacher and Other staff)

There is a requirement to keep a clear and comprehensive summary of all allegations of this nature (regardless of final outcome), how the allegation was followed up and resolved, and a note of any action taken and decisions reached.

This record will be kept on an employee's confidential personnel file, (or in case of a volunteer, confidentially stored) and a copy provided to the person concerned. However, allegations that are found to have been malicious should be removed from the personnel file.

Allegations that are not substantiated, are unfounded or malicious should not be referred to in employer references.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record will be retained on file until the employee has reached normal retirement age, or for a period of 10 years from the date of the allegation, if that is longer.

PART TWO

Summary of allegation

How allegation was followed up

Outcome of investigation (see Part Three)

Action taken and decisions reached

Employee comments (if appropriate)

Senior Designated Manager (School)

Name:

Signed:

Date:

Assigned Local Authority Designated Officer (if appropriate)

Name:

Signed:

Date:

Employee

Name:

Signed:

Date:

PART THREE

Possible outcomes are:

- **Substantiated** – A substantiated allegation is one which is established by evidence or proof

- **Unsubstantiated** – An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** – This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.
- **Deliberately invented or malicious** – This means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.