

## Oriell High School - Policy for Managing Allegations of Abuse Against Teachers or Other Staff

**Date Amended: September 2024**

**Date of Ratification: 25.09.24**

**Next Review Date: September 2025**

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting 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 about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff in school (including a volunteer) has;

- 1. Behaved in a way that has harmed a child, or may have harmed a child;**
- 2. Possibly committed a criminal offence against or related to a child; or**
- 3. Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.**

These behaviours should be considered within the context of the four categories of abuse i.e. physical, sexual, emotional, neglect. These include concerns relating to inappropriate relationships between adults and children or young people e.g.

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- Grooming i.e. meeting a child under 16 with intent to commit a relevant offence
- Other 'grooming behaviour' giving rise to concerns of a broader child protection nature e.g. inappropriate text, email messages or images, gifts, socialising etc
- Possession of abusive images of children

**All references within this document to 'members of staff' should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity (including contracted staff)**

The fact that a person tenders his or her resignation, or ceases to provide their services, **must not** prevent an allegation being followed up in accordance with these procedures.

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

1. A police investigation of a possible criminal offence;
2. Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
3. Consideration by the school of disciplinary action in respect of the individual.

Every effort should be made to manage cases to avoid any unnecessary delay. Timescales are given, however, they are not performance indicators; the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation.

### **Allegation made to school**

The allegation should be reported to the Headteacher immediately. In the Headteacher's absence it should be made to Mark Harrison, Designated Safeguarding Officer or one of the two Deputy Headteachers. Unless the allegation is about the Headteacher in which case it should be reported immediately to the Chair of Governors.

If the allegation meets any of the criteria set out above, the headteacher should report it to the Local Authority Designated Officer (LADO) the same day.

#### **Allegation made to the Police or Children's Social Care**

If an allegation is made to the Police, the officer who receives it should report it to the force designated liaison officer without delay and the designated liaison officer should inform the Local Authority Designated officer straight away. Similarly, if the allegation is made to children's social care the person who receives it should report it to the Local Authority Designated officer without delay.

#### **Initial Consideration**

The Local Authority Designated officer will discuss the matter with the Headteacher and where necessary obtain further details of the allegation and the circumstances in which it was made. **N.B The Headteacher should not investigate the allegation at this stage.** The discussion should also consider whether there is evidence / information that establishes that the allegation is false or unfounded.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the Local Authority Designated officer will immediately refer to children's social care and ask for a strategy discussion in accordance with 'Working Together to Safeguarding Children, 2010' to be convened straight away. In those circumstances the strategy discussion should include the Local Authority Designated Officer and the Headteacher.

If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the Local Authority Designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.

#### **Action following initial consideration**

Where the initial consideration decides that the allegation does **not** involve a possible criminal offence it will be for the employer to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action **within 3 working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

Where further investigation is required to inform consideration of disciplinary action the Headteacher and the School Personnel Adviser should discuss with the Local Authority Designated Officer who will undertake that investigation.

In some settings and 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 written report to the employers **within 10 working days**.

On receipt of the report of the disciplinary investigation, the Headteacher and Chair of Governors should consult the Local Authority Designated Officer, and decide **within 2 working days** whether a disciplinary hearing is needed. If a hearing is needed it should be held **within 15 working days**.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The Local Authority Designated Officer should continue to liaise with the school to monitor progress of the case and provide advice / support when required / requested.

#### **Case subject to police investigation**

If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case.

Wherever possible that review should take place **no later than 4 weeks** after the initial action meeting and if the decision is to continue to investigate the allegation dates for subsequent review should be set at that point. (It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage).

If the police and/or CPS decided not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should, wherever possible, aim to pass all information they have which may be relevant to a disciplinary case to the employer within **3 working days** of the decision. In those circumstances the employer and the Local Authority Designated Officer should proceed as described in paragraphs above.

**N.B.:** In any case in which children's social care has undertaken enquiries to determine whether a child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school.

If the person is convicted of an offence the police should also inform the employer straight away so that appropriate action can be taken and a referral made to the appropriate bodies.

#### **Referral to Department for Education (DfE)**

If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his/her services, the school should consult the Local Authority Designated officer about whether a referral to DfE is required. If a referral is appropriate the report should be made within one month.

Associated Policies:

- Anti-Bullying Policy
- Behaviour
- Staff Discipline, Conduct and Grievance Policy
- Intimate Care Policy
- First Aid Policy
- Physical Management of Students Policy
- Off site Educational Visits and Work Related Policy