



**ST. THOMAS MORE HIGH SCHOOL
ACADEMY**

Statutory Allegations of Abuse Against Staff Policy

This Policy should be read and acted upon in conjunction with “Keeping Children Safe in Education- Statutory Guidance for Schools and Colleges, September 2020”

Ratified by the FGB on:	30th March 2017
Approved by the LGC on:	4th July 2018
Approved by the LGC on:	3rd July 2019
Approved by the LGC on:	17th September 2020

Mr Daniel Cauchi
Chair of the Governing Body

The School’s Mission Statement

To inspire,

To learn,

To achieve,

To keep our Catholic ethos at the centre of our lives,

To fulfil our educational potential, welcoming all and reaching out to the wider world,

To truly be God’s servant first.

Allegations of Abuse against Staff Policy

Duties as an Employer and an Employee

St Thomas More High School takes its responsibility for the duty of care of its students seriously and closely follows the “Keeping Children Safe in Education” guidance document -Sept 2020.

This policy is about the managing of any allegations of abuse made against teachers or other staff, including volunteers, in the school when a person may pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity.

This policy will be referred to with respect to all cases where there has been an allegation that a teacher or member of staff 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 he or she may pose a risk of harm if they work regularly or closely with children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

This policy relates to any member of staff working at the school, regardless of whether the school is where the alleged abuse took place.

Allegations against a teacher who is no longer teaching will be referred to the Police.

The school has a duty of care to all its employees. The school will ensure it provides effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. The school will endeavour to deal with the allegation of abuse as quickly as possible, but in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Initial Considerations

The procedures for dealing with allegations need to be applied with common sense and professional judgement. A judgement will be made by the school as to whether the allegation meets the aforesaid criteria.

The Local Authority Designated Officer (LADO) will be consulted and their advice sought.

The Headteacher will inform the Chair of Governors of any allegation as soon as possible.

In the event of an allegation being made against the Headteacher, the matter will be reported to the Chair of Governors immediately.

The Headteacher will immediately take any steps where necessary to secure the safety of the child/children.

When the school deems that an allegation is so serious that it requires immediate intervention the school will contact the appropriate support services including Social Care or the Police.

When determining the outcome of allegation investigations, the “Keeping Children Safe in Education” definitions will be used:-

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** To reflect cases where there is no evidence or proper basis which supports the allegation being made

The school having discussed the details of the allegation will then make a decision whether further action will be required.

Where it is deemed, following initial information sharing and evaluation, that no further action is to be taken with regard the individual facing the allegation or concern, a record will be made of the reasons why no further disciplinary action was taken both by the school and the LADO. What information goes on the individuals file will be agreed by the Headteacher and LADO. The Headteacher will then decide what further action should follow, both in respect of the individual and those who have made the allegation.

If it is deemed that there is substantiation of the allegation, the Headteacher should inform the accused person about the allegation as soon as possible after consulting with the LADO. However where a **strategy discussion** is needed, or Police or Childrens Social Care Services are needed, the Headteacher will not inform the accused until consultation has occurred and what information can be disclosed to the accused person.

The Headteacher should consider carefully whether, circumstances of the case warrant a member of staff being suspended from contact with the children at the school or whether alternative arrangements can be put into place until the allegation or concern is resolved.

The school will consider all options to avoid suspension if possible. **“Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative”**- Keeping Children Safe in Education-Sept 2020.

The Headteacher may appoint a case manager to investigate the allegation on their behalf who may be an appropriate senior member of the school or an independent investigator recruited from the Local Authority.

Supporting Those Involved

The school recognises it has a duty of care to its employees and will act to manage and minimise the stress inherent in the allegations process. An individual will always be advised to contact their Trade Union for advice or a friend who can give support.

The school will nominate a named representative to keep the person informed of the progress of the case and to consider support for the individual.

The school will offer welfare counselling or medical advice where appropriate or make arrangements for Occupational Health support from the Local Authority.

Parents or carers of a child/children involved will be told about the allegation as soon as possible if they do not already know. However if a strategy meeting is required, or the Police or Children's Social Care Services need to be involved, parents will not be informed until this meeting has taken place.

Parents or carers will also be kept informed about the progress of the case and told the outcome including any disciplinary process except when a criminal prosecution is being conducted.

The content of any deliberations of a disciplinary hearing in reaching a decision will not normally be disclosed, only the outcome.

Parents and carers should be made aware of the prohibition on reporting or publishing allegations about teachers- **Section 141F of the Educational Act 2002** (Confidentiality).

Where a child may have suffered significant harm or where a criminal prosecution occurs, the school in liaison with Children's Social Care Services or the Police as appropriate, will consider what support the child may need.

Confidentiality

In the event of an allegation being made the school will make every effort to maintain confidentiality and guard against **unwanted publicity** whilst it is being investigated or considered. The reporting restrictions apply until the point that the accused person is charged with an offence.

Publication includes any speech, writing, relevant programme or other communication in whatever form in which is addressed to the public at large.

Managing the Situation and Exit Arrangements

An allegation will be investigated and followed up even if an accused person resigns and referral to the DBS will be made if the allegation is proven.

Record Keeping

A clear and comprehensive summary of any allegation will be made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached is kept on a confidential personnel file of the accused and a copy will be provided to the person concerned. Records should be clear enough for any future reference relating to any future requirement to revisit the case. No record of any malicious allegations against staff that are proven to be false will be kept on personnel records. Any malicious allegations against staff that are subsequently found to be false will also be removed.

Schools have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records 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.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. (See paragraph 244 part 3 of 'Keeping Children Safe' for further information on references).

Time Scales

The school will endeavour to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Where cases are clearly unsubstantiated or malicious the school will try to resolve these **within one school week**.

If a disciplinary hearing is required, and can be held without further investigation, **the hearing will be held within 15 working days** of the allegation being reported.

Suspension

If in some rare cases the school deems that there is possible risk of harm to children posed by the accused person, it may consider suspending until the case is resolved. **Suspension however, will not be the automatic response** when an allegation is reported.

Suspension will only be considered where there is cause to suspect a child, or other children at the school are at risk of harm, or the case is so serious that it might be grounds for dismissal.

Practical and safe alternative arrangements will always be sought and the school will always consider the potential permanent professional reputational damage to the employee which can result from suspension if the allegation is later found to be unsubstantiated or maliciously intended.

Where it has been deemed appropriate to suspend the person, written confirmation will be despatched within one working day, giving as much detail as possible for reasons for the suspension. A named support contact person within the organisation will be provided with contact details.

If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Information Sharing

All information will be shared with **all relevant agencies** involved for **the initial strategy discussion** or **the initial evaluation of the case**.

On Conclusion of the Case

If the allegation is substantiated and the person is dismissed, the school will discuss with the LADO whether a referral to the DBS for consideration of inclusion on the barred list is required and whether the matter should be referred to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.

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.

Where it is decided that a member of staff can return to work, the school will facilitate this as it sees fit with appropriate support.

In Respect of Malicious or Unsubstantiated Allegations

If an allegation is determined to be unsubstantiated or malicious, the school and the LADO will discuss whether the matter should be referred to the Childrens Social Care Services, to determine whether the child is in need of services or may have been abused by someone else. The school may, if an allegation is shown to be deliberately invented or malicious, consider whether any disciplinary action against the student who made it or whether the Police should be asked to consider if action might be appropriate against the person responsible.

Annex A: Role of the designated safeguarding lead

The Governing body ensures that the school designates an appropriate senior member of staff to take lead responsibility for child protection. This person should have the status and authority within the school to carry out the duties of the post including committing resources and, where appropriate, supporting and directing other staff.

The broad areas of responsibility for the designated safeguarding lead are:

Managing referrals

- Refer all cases of suspected abuse to the local authority children's social care and: • The local authority designated officer (LADO) for child protection concerns (all cases which concern a staff member);
- Disclosure and Barring Service (cases where a person is dismissed or left due to risk/harm to a child); and/or
- Police (cases where a crime may have been committed).
- Liaise with the headteacher or principal to inform him or her of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations
- Act as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies

Training

- The designated safeguarding lead should receive appropriate training carried out every two years in order to:
 - Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so
- Ensure each member of staff has access to and understands the school's or college's child protection policy and procedures, especially new and part time staff
- Be alert to the specific needs of children in need, those with special educational needs and young carers
- Be able to keep detailed, accurate, secure written records of concerns and referrals
- Obtain access to resources and attend any relevant or refresher training courses
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school or college may put in place to protect them

Raising Awareness

- The designated safeguarding lead ensures the school policies are known and used appropriately:
- Ensure the school child protection policy is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with governing bodies or proprietors regarding this
- Ensure the child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school or college in this
- Link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding
- Where children leave the school or college ensure their child protection file is copied for any new school or college as soon as possible but transferred separately from the main pupil file

Allegations of Abuse against Staff by Students Procedures

- HEADTEACHER
- CHAIR OF GOVERNORS
- CASE MANAGER
- LADO
- ACCUSED PERSON
- PARENTS/CARERS
- CHILD/CHILDREN

