

## **STATEMENT OF PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF AND VOLUNTEERS**

### **References:**

Keeping Children Safe in Education, 2018  
Working Together to Safeguard Children  
SCC Managing Allegations of Abuse Against Teachers and Other Staff

### **Annex:**

Guidance for Parents/Carers

### **1. Introduction**

This statement is for the guidance of school staff and volunteers, and for parents/carers who have reason to believe their child may have been subject to abuse. It is an edited version of the SCC Statement listed above.

### **2. Allegations of Abuse made Against Teachers and Other Staff**

This part of the guidance is about managing cases of allegations that might indicate a person would 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. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) 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 to children.

This part of the guidance relates to members of staff who are currently working in the school regardless of whether the alleged abuse took place on school premises. Allegations against a teacher who is no longer teaching should be referred to the Police. Historical allegations of abuse should also be referred to the Police.

The Board of Governors has a duty of care to its employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. 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 that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

### 3. Initial Considerations

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a Police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or Police. The Designated Safeguarding Officer should be informed of all allegations.

The following definitions should be used when determining the outcome of investigations:

- **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 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 Headteacher, or (where the Headteacher is the subject of an allegation), the Chair of Governors, should immediately discuss the allegation with the Designated Safeguarding Officer. (The Head Teacher or Chair of Governors is known as the Case Manager). The purpose of an initial discussion is for the Designated Safeguarding Officer and the Case Manager to consider the nature, content and context of the allegation and agree a course of action. The Designated Safeguarding Officer may ask the Case Manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the Case Manager will want to involve the Police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken; in which case this decision and a justification for it should be recorded by both the Case Manager and the Designated Safeguarding Officer, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Case Manager should then consider with the Designated Safeguarding Officer what action should follow both in respect of the individual and those who made the initial allegation.

The Case Manager should inform the accused person about the allegation as soon as possible after consulting the Designated Safeguarding Officer. It is extremely

important that the Case Manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or Police or children's social care services need to be involved, the Case Manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the Police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the Police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the Designated Safeguarding Officer should discuss the next steps with the Case Manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future.

#### **4. Suspension**

Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved. If the Case Manager is concerned about the welfare of other children in the school or the teacher's family, those concerns should be reported to the Designated Safeguarding Officer, children's social care or the Police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

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

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Case Manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Case Manager and the Designated Safeguarding Officer. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within 1 working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the school and provided with their contact details.

Children's social care services or the Police cannot require the Case Manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the Governing Body of the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the Police, the Designated Safeguarding Officer should canvass Police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school's consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager should consider how best to facilitate this. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor may be appropriate. The Case Manager should also consider how the person's contact with the child or children who made the allegations can best be managed.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Designated Safeguarding Officer should discuss with the Case Manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by the Headteacher or Chair of Governors.

## **5. Supporting those involved**

Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the Police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support.

The Case Manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or Police or children's social care services need to be involved, the Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the Police as appropriate, should consider what support the child or children involved may need.

## **6. 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. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also 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 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 communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

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 would like to

depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.

The Case Manager should take advice from the Designated Safeguarding Officer, Police and children's 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.

## **7. Resignations and 'Settlement Agreements'**

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS *must* be made, if the criteria are met.** If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement agreement. A settlement agreement, which prevents the school from making a DBS referral when the criteria are met, would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral.

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 cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated, should continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to co-operate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough Police investigation where that is appropriate.

## **8. Record Keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, 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 confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the Police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record 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.

## **9. 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.

## **10. Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within 1 month, 90 per cent within 3 months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within 1 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. If the nature of the allegation does not require formal disciplinary action, the employer 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.

## **11. On Conclusion of a Case**

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. .

## **12. In Respect of Malicious or Unsubstantiated Allegations**

If an allegation is determined to be unsubstantiated or malicious, the Designated Safeguarding Officers should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or

malicious, the Headteacher, should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the Police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

## **Annex**

### **GUIDANCE FOR PARENTS/CARERS**

#### **Introduction**

This guidance explains the action that should be taken whenever a parent or carer believes that their child may have suffered abuse by a member of staff, or volunteer, or anyone else with permission to be on the premises. "Abuse" covers any action, word or behaviour which might harm a child. It applies whenever a person 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;

behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children and at the same time deals fairly with the person who is the subject of the allegation.

#### **Reporting**

An allegation of abuse should be reported as soon as possible to the Headteacher. If the Headteacher is the subject of the allegation then you should inform the Chair of Governors. The report may be in person, by telephone or by email. Contact details are on the school website.

All concerns will be listened to and managed appropriately, as described in the preceding Statement. Do not withhold information however trivial it may seem.

#### **Confidentiality**

By law it is forbidden to publish any material that may lead to the identification of the alleged offender. Publication includes any speech, writing or other communication in whatever form which is addressed to the public at large or any section of the public. Therefore, publishing details on a social networking site would be in breach of the restrictions.

**You must not:**

Attempt to deal with the situation yourself;

make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents;

keep the information to yourself;

take any action that might undermine any investigation or disciplinary procedure, such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or other parents/carers.

**Likely Sequence of Events**

Immediately after receiving the allegation the Head Teacher or Chair of Governors (known as the case manager) will discuss the case with the Designated Safeguarding Officer at Somerset County Hall to consider the nature, content and context of the allegations, and to agree a course of action.

The case manager will then inform the accused person of the allegation. However that will not be done if it is considered that the Police or social services need to be involved. Only after the Police and social services have agreed what information may be passed to the accused will contact be made.

The case manager may ask the person making the allegation to provide additional information.

**Timescales**

All allegations will be investigated as a priority to avoid any delay. The time to investigate and resolve cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. It is expected that 80 per cent of cases will be resolved within 1 month, 90 per cent within 3 months, and all but the most exceptional within 12 months.

Those cases where it is clear that the allegation is unsubstantiated or malicious should be resolved within 1 week.

At the conclusion of an investigation the parent/carer will be informed of the outcome.