



When a Member of Staff Faces an Allegation Policy

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Introduction

When dealing with allegations of abuse against Teachers, we will take due regard of the statutory guidance from the Department of Education as outlined in the document 'Keeping Students Safe in Education' September 2020.

This policy should be followed in all cases where it is alleged that a Teacher or member of staff has:

- Behaved in a way that has harmed a young person
- Possibly committed a criminal offence against or related to a young person
- Behaved towards a young person in a way that indicates he or she will pose a risk of harm if they work regularly or closely with young people

Allegations against a Teacher or member of staff who is no longer working at the school should be referred directly to the police.

Allegations that a member of staff has abused a young person either inside the school premises or during a school trip or visit could be made by:

- Parents
- Carers
- The abused student
- Other members of staff
- Other students
- The Police or Social Services
- A third party

An allegation of such seriousness would normally be made directly to the Head Teacher but if another member of staff is told first, he/she will ensure that the Head Teacher is informed immediately.

If the Head Teacher is unavailable – or is involved – The Proprietor, Keith Boulter should be informed immediately and they will inform the Designated Officer of the Local Authority (0300 123 2044) who will advise as to how to proceed. Social Care and parents will also be informed as appropriate for the individual young person. If the person is deemed to be an immediate risk to young people or there is evidence of a possible criminal offence, the Head Teacher or Proprietor may involve the police immediately.

Anonymous Allegations

If we are faced with an anonymous allegation of child abuse which names both a member of staff and a young person, we will handle it in exactly the same way as if we knew the identity of the person making the allegation. Where the allegation names the member of staff but not the young person, we will immediately inform Suffolk Safeguarding Officers (0300 123 2044)

The First Response

We will respond promptly and sensitively to the legitimate concerns of the victim and his or her family. We undertake to:

- Establish the facts before jumping to any conclusion. Take any allegation of abuse, involving a member of staff seriously
- Immediately discuss the allegation with the Designated Officer. The purpose of this discussion is for the Designated Officer and the Head Teacher to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer may ask for additional information which may be relevant such as previous history, whether the young person or their family have made similar allegations and the individual's current contact with students. 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 School and the Designated Officer.
- Inform the accused person about the allegation as soon as possible after consulting the Designated Officer. Inform the member of staff concerned honestly of the allegation that has been made and advise him or her to contact their Trade Union or Professional Association for advice and support.
- Whilst it is important that the Head Teacher provides as much information to the accused as possible regarding the allegation, where there is a need for a strategy discussion to take place, or if the police or young persons social services need to be consulted, it must be agreed with these agencies, in advance, what information can be provided to the accused. It must also be considered whether the circumstances warrant a person being suspended from contact with students 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 and advice regarding this can be found in the document 'Keeping Children Safe in Education, September 2020'.
- Inform the young person's carers / parents / social workers in confidence, inviting them to maintain confidentiality whilst the investigation takes place, unless the allegation involves the parents, in which case we will contact Social Services before making contact. Parents and carers should 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.
- Parents and carers will be made aware of the prohibition on reports or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

The Next Step

Although a formal investigation is a matter for specialists, where the facts suggest that there may be reasonable grounds for suspecting actual abuse, or grooming of a young person, or other criminal behaviour, we will always:

- Invite the police to conduct the investigation.
- Contact Designated Officer Local Authority 03001232044
- Involve the Local Safeguarding Student's Board (LSCB).
- Consider suspending the member of staff (or volunteer) concerned.

Support for the Student

Our priority is to safeguard the young people in our care. We will give all the support that we can to a young person who has been abused. The Head Teacher, together with Keith Boulter, who are both the school's DSLs and Alternate DSO, will consider how best to support and monitor the young person concerned through any process of investigation, liaising closely with parents, guardians, Local Safeguarding Students Board (LSCB), or other agencies involved to identify the support strategies that will be appropriate.

Support for the Member of Staff

Broadlands Hall School has a duty of care to its employees. We will ensure that we provide support for any member of staff facing an allegation and will provide them with a named contact if they are suspended. Where a member of staff is suspended, the school will 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 would be likely to prejudice the gathering and presentation of evidence.

If the Member of Staff Resigns

The resignation of a member of staff or volunteer mid-way through an investigation would not lead to the investigation being abandoned. Our policy is always to complete every investigation into allegations of child abuse.

Compromise Agreements

The policy at Broadlands Hall School is to follow the DCSF guidance set out in "Keeping children Safe in Education, September 2020 on the use of compromise agreements in cases of child abuse. This is defined as an agreement 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. This will not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Length of Investigatory Process

We recognise that everyone's interests are served by completing any investigatory process as swiftly as possible. Broadlands Hall School is a very small community and we will aim to spend as little time as is compatible with fair and impartial processes on the investigatory process. We would expect almost every case to be completed within one month. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, 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, although if there are concerns about child protection, the employer should discuss them with the Designated Officer. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

The following definitions will be used when determining the outcomes of allegation 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

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Referral to the Disclosure and Barring Service and National College for Teaching and Leadership

Like all schools, we have a statutory legal duty to refer an individual, where there is the risk that he or she may harm, or has caused harm to students, to the Disclosure and Barring Service (DBS) within one month of leaving the school, any person (whether employed, contracted, a volunteer or students) whose services are no longer used because he or she is considered unsuitable to work with students. The DBS address for referrals is PO Box 181 Darlington DL1 9FA (01325 953 795). Reports of this nature are normally made by the Proprietor.

In the case of a Teacher, a referral will also be made to the National College for Teaching and Leadership where a teacher has been dismissed (or would have been dismissed had he / she not resigned) and a prohibition order may be appropriate. The reasons for such an order are 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or a 'conviction, at any time, for a relevant offence'

Recording Allegations of Abuse

We will record all allegations of abuse, and our subsequent actions, including any disciplinary actions, on an individual's file. A copy will be given to the individual and he or she will be told that the record will be retained until he or she reaches statutory retirement age, or for ten years, if that is longer. Details of any allegations which are found to be malicious will be removed from personnel records. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention. Allegations proven to be false, unsubstantiated or malicious will not be included in any future reference that Broadlands Hall might be asked to provide. 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.

Handling Unfounded or Unsubstantiated Allegations

The Young Person

A young person who has been the centre of unfounded or unsubstantiated allegations of child abuse needs professional help in dealing with the aftermath. We will liaise closely with the LSCB to set up a professional programme that best meets his or her needs, which may involve the Adolescent Mental Health Services and an Educational Psychologist, as well as support from the School Music Therapist or School Nurse. We shall be mindful of the possibility that the allegation of abuse was an act of displacement, masking abuse that is occurring within the young person's own family and/or community.

However, much support the young person may need in such circumstances; we need to be sensitive to the possibility that the aftermath of an unfounded allegation of abuse may result in the irretrievable breakdown of the relationship with the teacher. In such circumstances, we may conclude that it is in the young person's best interests to move to another school. We would do our

best to help him/her to achieve as smooth a transition as possible, working closely with the parents / carers and social workers

The Member of Staff

A member of staff could be left at the end of an unfounded or unsubstantiated allegation of child abuse with severely diminished self-esteem, feeling isolated and vulnerable, all too conscious that colleagues might shun him/her on the grounds of "no smoke without fire". If issues of professional competency are involved, and, though acquitted of child abuse, disciplinary issues are raised, we recognise that he or she is likely to need both professional and emotional help. We will undertake to arrange a mentoring programme in such circumstances, together with professional counselling outside the School Community. A short sabbatical or period of re-training may be appropriate as may be a phased return to work. The person's future contact with the young person who made the allegation must also be considered if they are still a student at the school.

Allegations of Abuse of a Child who is not a Student at the School

If we were given information that suggested that a member of staff was abusing a young person who was not a student at Broadlands Hall School, we would immediately pass such information to Designated Officer at the Local Authority and the Local Safeguarding Board (LSCB) to handle. We would then interview the member of staff and formally advise him/her of the allegations, making it clear that the school would not play any part in the investigatory process. He or she would be advised of the possibility of facing suspension, re-assignment to other duties etc. in the same way as if the allegation had involved a Broadlands Hall School young person. If the allegation subsequently proved to be unfounded, he or she would be given full support by the school in resuming his/her career.

Allegations involving the Head, DSL or Alternate DSL

The Manager of the Care Home should be told immediately of any allegation involving the any the Head Teacher. They will obtain legal advice before proceeding to the steps outlined above. The Head Teacher will normally be suspended for the duration of the investigatory process, and one of the senior teachers will be made acting Head Teacher until the conclusion of the investigation and resolution of the issue.

Confidentiality

When an allegation is made, Broadlands Hall School will make every effort to maintain confidentiality and will guard against unwanted publicity whilst the allegation is being investigated or considered. Staff and young people will be advised that they are not to discuss the allegation either with each other or with outside persons other than those directly investigating the complaint.