



## **ALLEGATIONS OF ABUSE POLICY**

### **Managing Allegations of Abuse Against Teachers and Other Staff**

#### **Safeguarding**

Taliesin Education Ltd (t+centres) will always act promptly to follow up any allegation, made by a student or another member of staff, of abuse or misconduct – in line with its policy to keep students safe and confident of their ongoing safety in our environment. The provision maintains an open, honest and transparent environment in which any deviation from safe and appropriate conduct is noticed immediately.

At the same time, we recognise that staff members' rights must be considered in the event of a student making a false allegation.

#### **Response**

It is essential that any allegation of abuse made against a teacher, other member of staff or volunteer in our 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. Thus, the procedures outlined in this policy will be followed, alongside the school's Complaints Procedure and Safeguarding Policy.

All staff and volunteers are instructed to understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. See also our Whistleblowing Policy. It is our policy that all allegations will be reported straight away to the Head of Centre, or to the Principal in cases where the Head of Centre is absent or is themselves the subject of the allegation or concern. Should the allegation be against the Principal, then the Head of Centre or Governors would take the lead.

This policy follows the Government guidance in chapter 5 of Safeguarding Children and Safer Recruitment in Education. t+centres adopts the Government guidance – Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (August 2018), which sets out the framework for managing cases of allegations of abuse against people who work with children.

### **Purpose**

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and safeguarding procedures will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) 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 s/he is unsuitable to work with children. This will include cases of verbal abuse and undue shouting.
- Failed to follow policy in a situation.

### **Strands of an allegation**

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

- A police investigation of a possible criminal offence;
- Enquiries and assessment by children's social care 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.

### **Supporting those involved**

Parents or carers of a child or children involved will be told about the allegation as soon as possible by a member of the Senior Leadership Team. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process.

*N.B. 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 will be told the outcome.*

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Head of Centre (or Principal/Governors if they are leading the proceedings) to consider what support the child or children involved may need. The Head of Centre will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Head of Centre will also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

## **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

## **Resignations and ‘compromise agreements’**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations, bearing in mind the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process.

## **Investigation**

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated, will continue even if the person does not co-operate.

## **‘Compromise agreements’**

Similarly, so called ‘compromise agreements’ by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse or other serious matter. In any event, such an agreement would not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to Cornwall’s Multi Agency Referral Unit (MARU) for consideration of placing the person's name on the Children's Barred List (or any subsequent list which supercedes this one), where circumstances require that.

## **Record keeping**

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the individual’s confidential personnel file, 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 if the person has moved on. It will provide clarification in cases where a future DBS check reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained for fifty years.

## **Timescales**

It is in everyone’s interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

## **Initial considerations**

The Local Authority Designated Officer (LADO) will be informed by the Head of Centre of any/all allegations of abuse against staff on the same day, even where the police are contacted directly.

The Head of Centre will inform the accused person about the allegation as soon as possible after consulting the Chair of Governors and the LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Head of Centre will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Head of Centre with the LADO and other appropriate agencies, such as the police and social services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Head of Centre will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

*(N.B. The police will be consulted about any case in which a criminal offence may have been committed.)*

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will 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, under section 93 of the Education and Inspections Act 2006.

The LADO and Head of Centre may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary. In these circumstances the options open to the school 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.

## **Suspension**

Suspension will 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, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the Head of Centre and the Principal. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

## **Action on conclusion of a case**

If the allegation is substantiated and the person is dismissed, the school ceases to use the person's services, the person resigns or otherwise ceases to provide his/her services, the Head of Centre will

determine with the LADO whether a referral to the MARU or the General Teaching Council (GTC) (if a teacher is involved) is required, or advisable. The school must report to the MARU any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. **This report will be made within one month of the decision to cease using the services of that person.**

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 will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

### **Action in respect of false allegations**

If an allegation is determined to be false, the Head of Centre will 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 event that an allegation is shown to have been deliberately invented or malicious, the Head of Centre will consider whether any disciplinary action is appropriate against the student who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a student. Making false allegations against staff is far from a rare occurrence within this particular client group. To counter this happening, it is vital that staff never work alone with a child and if therapy or other one-to-one meetings are taking place that this is in a room with a window and is regularly checked, or, in the case of a child who is a known maker of allegations, someone else may remain in the room, whilst separating themselves from the work carried out. It is vital that the prevalence of false allegations against staff within this client group is in no way prejudicial to dealing with genuine allegations made by a child or young person but indicates the amount of clarity and skill required when dealing with such matters.

#### **History and implementation of this Allegations of Abuse Policy:**

First approved:	September 2007
Accepted by SLT in this format:	October 2017
Approved by t+centres Governors:	May 2018
Last revised:	October 2019
To be reviewed:	October 2020

SLT, all staff and governors have read, discussed and contributed to this policy.

The Head of Centre will be responsible for ensuring all staff are briefed on the regulations and practice outlined in this policy.