



## **CHERITON PRIMARY SCHOOL ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF**

### **INTRODUCTION**

This Policy outlines Cheriton Primary School's (the "**School's**") guidance for managing cases of allegations of abuse against a teacher or any other member of staff, whether they be on a paid, voluntary, temporary, supply or locum basis (an "**Allegation**") All allegations of abuse against children will be taken seriously and will be subject to this policy whether they are current or historical allegations.

Allegation within scope would include a teacher or member of staff (including a volunteer) have:

- 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 would pose a risk of harm if they worked with children.

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **ROLES AND RESPONSIBILITIES**

It is imperative that any allegations are not dealt in isolation and involve the appropriate County (Hampshire County Council) level organisations.

## INITIAL CONSIDERATION

The Headteacher will discuss the matter with the LADO and where necessary obtain further details of the allegation and the circumstances in which it was made. The purpose of an initial discussion is for the LADO and Headteacher to consider the nature, content and context of the allegation and agree a course of action. The Headteacher should not investigate the allegation at this stage. The discussion should also consider whether there is evidence or 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 LA designated officer will immediately refer to children's social care and ask for a strategy discussion in accordance with '*Working Together to Safeguard Children*' standard practice to be convened immediately. In these circumstances the strategy discussion should include the LADO and the Headteacher.

If there is not cause to reasonably suspect that "*significant harm*" is an issue, but a criminal offence might have been committed, the LADO 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

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations will be investigated as a priority. The time taken to investigate and resolve individual cases depends on the nature, seriousness and complexity of the allegation. We aim to resolve 80% of cases within one month, 90% within three months and all but the most exceptional cases should be completed within twelve months.

For cases where it is clear immediately that an allegation is unsubstantiated or malicious, resolution should be within one week.

Where the initial consideration by the Headteacher and if necessary, the LA designated office, finds that the Allegation does not involve a possible criminal offence, the Allegation will from then on be dealt with by the Headteacher. In such cases, if the nature of the Allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within three (3) working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within fifteen (15) working days.

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

Where further investigation is needed to enable a decision about how to proceed, the Headteacher will discuss who will undertake such further investigation with the LADO. In straight forward cases, the Headteacher can undertake the investigation. However, if the nature or complexities of the allegation deem this inappropriate, an

independent investigator will be used. Once the outcome of the further investigation is known, the Headteacher and Chair of Governors should consult the LADO and decide whether a disciplinary hearing is needed.

In any case in which children's social care or any other relevant authority such as the police, have undertaken any enquiries as to determine whether or not the relevant 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 any disciplinary action.

The LADO should continue to liaise with the School to monitor progress of the case and provide advice and support as required.

## **STAFF SUSPENSIONS**

In response to an Allegation, suspension of the relevant staff member shall not be the default opinion. A member of staff shall only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification will be recorded and, in addition to all other relevant employee requirements and conditions, the individual staff member notified in writing of such reasons.

## **OTHER INVESTIGATIONS**

The School undertakes to co-operate fully with police and children's social services in any child abuse investigations.

## **CASE SUBJECT TO POLICE INVESTIGATION**

If a criminal investigation is required, the School understands that 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. The School also understands that the Police should at the outset of any such investigation, set a target date for reviewing progress of the investigation and consulting the Criminal Prosecution Service ("**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 decide 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 Headteacher within three (3) working days of the decision. In those circumstances the Headteacher and the LA designated officer should proceed as described under the heading '*Action following initial consideration*' above. In any case in which children's social care has undertaken enquiries to determine whether the 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 and should be requested by the Headteacher if this is not automatically forthcoming.

## REFERRAL TO DBS

If on conclusion of the case the School ceases to use the services of the person who was the subject of the Allegation, or that person ceases to provide his/her services to the School, the School should consult the LA designated officer about whether a referral to the DBS for consideration of inclusion on the bared lists is required and in the case of a member of the teaching staff whether to refer the matter to the National College for Teaching and Leadership to consider prohibiting the individual from teaching.

## DEFINITIONS FOR 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 (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

## RECORD KEEPING

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

## LEARNING LESSONS

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

## **FURTHER REFERENCE**

This Policy has been written from statutory guidance issued by The Department of Education, Hampshire County Council and UK Government:

[Keeping Children Safe in Education](#)

[Hampshire Safeguarding Children Board Procedures Manual](#)

[Safeguarding Vulnerable Groups Act 2006](#)

[Protection of Freedoms Act 2012](#)

Related Policies	Behaviour Policy, Whistleblowing Policy
Approved by the Full Governing Body	March 2019
Committee	Resources
Reviewed By	NP
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