



Doncaster
Metropolitan Borough Council

DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF POLICY AND PROCEDURE

September 2015

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Linked to

- Safeguarding Children and Young People Policy – LA/DSCB Education Sub Group Model Policy- September 2013
- LA/DSCB Education Sub Group Code of Conduct – June 2013
- Social Media Guidance for Schools (to follow later this term)

1 Purposes and Principles

Southfield and Bessacarr Primary Schools strive to ensure that all its pupils in education settings remain safe and free from harm and is committed to playing a full and active part in the multi-agency response to child protection concerns. The purpose of this document is to ensure that all staff including staff working with children are aware of the conduct and behaviour expected of them. It outlines the potential circumstances in which an allegation of abuse may be made against them. It gives guidance to assist staff who may be subject to an allegation of abuse, to enable them to understand the process that will be followed, and to give them access to appropriate support and guidance. It also outlines what staff should do if they receive an allegation about another member of staff, or if they themselves have concerns about the behaviour of another member of staff.

1.1 Introduction

The duties imposed by section 175 of the Education Act 2002, (and section 157 in respect of independent schools), along with The Education (Independent Schools Standards) (England) Regulations 2010, as amended in January 2013), make explicit the responsibility of proprietors to safeguard and promote the welfare of children as part of their common law duty of care towards the children for whom the school is responsible. They also prohibit the administration of corporal punishment to a pupil during any activity, whether or not within the School's premises and the responsibility for making sure arrangements are in place, in accordance with the guidance given by the Secretary of State, lies with the Governors.

The School has a duty to investigate, and to deal appropriately, with any allegation of abuse made against a teacher or other member of staff, Governor, volunteer or contractor. The framework for managing cases of allegations of abuse against people who work with children is outlined in the DfE Guidance document "Dealing with Allegations of Abuse against Teachers and Other Staff" 2012 and in the document entitled "Working Together to Safeguard Children" (DCSF March 2013), specifically Appendix 5. The School has adopted the detailed procedures provided, and will apply them fairly and consistently, should the need arise. In some circumstances elements of the process will require the School to work and co-operate with other agencies, specifically the Children's Multi-Agency Referral and Assessment Service (CMARAS), the Local Authority Designated Teacher (LADO) Human Resources and the Police, in order to safeguard and promote the welfare of the children, and Southfield and Bessacarr Primary Schools are committed to do this by open and honest communication.

This policy and procedures relate to any complaint or allegation about the behaviour of a member of staff, Governor, volunteer, or contractor, towards a pupil or other child who comes to the School. It also makes specific reference to how the School will manage cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used in respect of all cases in which it is alleged that a teacher, member of School staff, Governor, volunteer, or contractor 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 they are unsuitable to work with children.

This policy document and related procedures are underpinned by

- “Safeguarding Children and Safer Recruitment in Education”
- Dealing with allegations of abuse against teachers and other staff
<http://www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse>
- The South Yorkshire Child Protection / Doncaster Safeguarding Children’s Board local procedures – current at time of access.
- Doncaster Safeguarding Children’s Board – Safer Working Practice Guidance
- The Doncaster Fact Sheet : Dealing with allegations of abuse against staff in all educational settings – October 2013 (Appendix 1)
- The Doncaster LADO referral and process flow chart – September 2013 (Appendix 2)

1.2 Key Definitions and Concepts

1.2.1 Child

In this document, as in the Children Acts 1989 and 2004, a child is anyone who has not reached their 18th birthday. The commitment to safeguarding and promoting the welfare of children however extends to all children in either school.

1.2.2 Child Protection

Is one part of safeguarding and promoting the welfare of children and refers to the activity that is undertaken to protect children who are suffering, or at risk of suffering, significant harm.

1.2.3 Significant Harm

This is defined within The Children Act at Section 31(9) and (10) as set out below:

Section 31 (9)

- “harm” means ill-treatment or the impairment of health or development;
- “development” means physical, intellectual, emotional, social or behavioural development;
- “health” means physical or mental health; and
- “ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical.

Section 31 (10)

Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his/her health or development shall be compared with that which could reasonably be expected of a similar child.

Section 120 of the Adoption and Children Act added the following:

- Including for example impairment suffered from seeing or hearing the ill treatment of another.

The interpretation will depend largely on professional judgement, based on the known facts. It can include inappropriate touching, an assault, or a series of compounding events e.g. bullying. Other factors to be considered include the age and vulnerability of the child, the degree of force used, the frequency of the harm, the nature of the harm in terms of ill treatment, and the impact on the child’s health and development.

NB Often, it is only when information from a number of sources has been shared and is then put together that it becomes clear that a child is at risk of, or is suffering harm.

1.2.4 Determining the Outcome of Allegation Investigations

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

- a) **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b) **False:** there is sufficient evidence to disprove the allegation;

- c) **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d) **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- e) **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

1.3 General Principles

- The child's welfare is paramount.
- Staff should display a code of conduct at all times and act within professional boundaries
- All children have an absolute right to protection from abuse, neglect or exploitation.
- All members of staff have a responsibility to be mindful of issues related to children's safety and welfare and a **duty to report and refer** any concerns however "minor" they appear to be.
- The duty to report will apply irrespective of whether the harm or abuse or allegation relating to any person inflicting harm or abuse to a child occurs on the School premises or elsewhere.
- Either school will be proactive and take positive steps to inform staff of the conduct and behaviour expected, and about what to do to safeguard themselves against allegations of abuse.
- The Schools will investigate fully any allegations of abuse, neglect or exploitation and strive to reach a firm conclusion in all cases.
- A member of staff against whom an allegation has been made will not be suspended automatically, until careful consideration has been given to the circumstances.
- The Schools will have in place systems that deter possible abusers and will manage fairly, quickly and consistently any allegations of abuse made against staff.
- Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it, subject to it being established that the allegation is not demonstrably false or unfounded.

- The Schools will keep the person who is the subject of the allegation/s informed of the progress of the case and consider what other support may be appropriate for the individual.
- Every effort will be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated/considered.

2 **Scope**

The policy and procedures apply to all full and part time employees working in any capacity paid or voluntary, including those employed on temporary or fixed-term contracts. Governors, volunteers and contractors who offer their services to the School will be made aware of the fact sheet (see Appendix 1). The School's Disciplinary Policy and Procedures will apply in circumstances where suspension or disciplinary action is considered to be appropriate. This policy and procedures document will be reviewed annually and may be amended from time to time. Should any deficiencies or weaknesses in child protection and/or other safeguarding the welfare of children arrangements become apparent, these will be remedied without delay.

Procedures and Guidelines for Managing Allegations of Abuse

Arrangements

1 Prevention

The Schools take seriously its duty to protect its staff and is proactive in seeking to prevent teachers and other staff behaving in a way that could result in an allegation of abuse or neglect against a child or children. It does this in a number of ways:

- Through stringent checking procedures during any recruitment exercise to eliminate any possible risk at this stage
- Through the creation of an open culture which respects all individuals' rights and discourages bullying and discrimination of all kinds
- By ensuring members of staff receive information and training to equip them with the knowledge and understanding of the categories of abuse, giving examples of actions that may give rise to an allegation of abuse
- By informing staff of the child's right to be free from harm and encouraging staff to talk to their Line Manager if they have any concerns about colleagues or others, and
- Through an on-going programme of professional development and support, in relation to safe practice, classroom management, behaviour management and physical intervention.

2 Concerns

All staff employed have a duty to report any concerns they may have about the behaviour of a colleague, or any allegations of abuse they may receive, to the relevant member of staff who will be required to consider the allegation and take appropriate action. In some limited circumstances, before taking the formal approach with regard to a colleague, it may be appropriate to discuss concerns with them directly, in an attempt to understand the situation fully and resolve any misunderstandings or issues there may be.

2.1 How concerns may come to notice

Concerns may be raised in a number of ways:

- Direct disclosure by the child
- Indirect disclosure e.g. through written work, art work or through friends
- Complaint from a parent or carer to a member of school staff, Children's Social Care office, or Police
- Reports by other colleagues or agencies
- Anonymously

3 **Types of Allegation**

Staff are expected to familiarise themselves with the types of allegation of abuse that may be made against them and the examples of actions that may be interpreted as abusive. Ill treatment is an implicit element in all forms of abuse and it provides a measure, within the context of “significant harm” and alleged crime, for establishing a threshold for referral to CMARAS, the LADO, HR and/or the Police.

The following are examples of actions that may be interpreted as abusive. The list is not exhaustive and serves only as a guide. Many of these constitute a criminal offence, some do not, and some may not reach a threshold of significant harm. The Schools however will consider whether, if any of these actions occur, the individual concerned has breached the code of professional conduct.

3.1 **Physical Abuse**

- Physical attack of any form
- Giving of drugs including alcohol
- Excessive training in sport
- Or otherwise causing physical harm to a child

3.2 **Sexual Abuse**

- Penetrative or non-penetrative acts by males or females
- Showing or taking part in any production of pornographic material or acts
- Inappropriate use of cameras and/or mobile phones
- Inappropriate touching

3.3 **Emotional Abuse**

- Persistent lack of affection
- Constant threatening behaviour
- Constant overprotection/control
- Unrealistic pressure to perform to high expectations
- Exposure to violence to other(s) within the child’s household
- Criticising or blaming a child unreasonably
- Ridiculing or mocking a child
- Denying a child opportunities to gain new experiences
- Denying a child the opportunity to fulfil intellectual development

3.4 **Neglect**

- Persistent failure to meet a child’s basic needs, including emotional needs
- Failure to protect from harm
- Failure in ensuring access to medical treatment
- Leaving a child without supervision

3.5 Other

- Any actions that single out a pupil for special attention and could therefore be interpreted as “grooming” a pupil (or a child who is linked to the School in some way)
- Sexting; inappropriate images of a pupil (or a child who is linked to the School in some way)
- Staff need to be fully aware of the dangers and risks associated with electronic communications. Consequently, they **MUST** ensure that they do **NOT** engage in inappropriate electronic communication / social media of any kind with a child. NB Staff should be very careful about giving their personal contact details to children and young people including e-mail, home or mobile telephone numbers, and they should avoid doing this unless the need to do so is agreed with Senior Management e.g. in order to protect the safety of the children on a school trip.

3.6 Abuse of Trust

All staff should understand clearly the need to maintain appropriate boundaries in their dealings with young people. Inappropriate behaviour with, or towards, children is unacceptable. In particular, intimate or sexual relationships between staff and pupils will be regarded as a grave breach of trust and may be a criminal offence under the Sexual Offences Act 2003, even if the person concerned does not teach the pupil. It is an offence for a person aged 18 or over, who is in a specified position of trust, with a child under 18 to engage in sexual activity, even if consensual, with or in the presence of the child, or to cause or incite the child to engage in or watch sexual activity.

4 Actions which are generally acceptable

The following are examples of actions that the School will generally consider to be acceptable, if applied in the appropriate context:

- Applying restraint to a child, consistent with legislation and guidance * Please note Teamteach training will offer support in dealing with allegations if staff are trained.
- Removing, with the minimum level of reasonable force, potentially dangerous items from a child’s possession, or removing a child from a dangerous location
- Shepherding children e.g. by placing a hand on the child’s back or shoulder
- Comforting children e.g. by placing a hand on the child’s arm, shoulder or back
- Securing attention by tapping a child’s shoulder.

Although staff at all times must be aware of how to conduct safer working practice to reduce any allegations.

For teamteach in Doncaster contact Alex Cobb on 01775 820421/07939313156

Procedure

Allegations or concerns may arise in a number of ways and the procedure to follow is outlined below.

5 Reporting Allegations or Concerns

Any allegations of abuse, neglect or exploitation will be reported immediately – within 24 hours to the LADO and the School will take part fully in any investigation of inappropriate behaviour, as directed by the LADO. Contact 01302 737748 9.00 am – 5.00 pm. Outside hours contact the emergency social services team ESST on 01302 796000.

Allegations or concerns of serious harm or abuse by any person living, working, or looking after children, whether the allegations relate to harm or abuse committed at the Schools, Early Years setting or elsewhere will be reported. In all cases details of allegations or concerns, relating to a teacher, other member of staff, volunteer or contractor will be passed to the Headteacher. If an allegation is made against the Headteacher – See fact sheet Appendix 1. The LADO must be called immediately. In this instance you must not pass on details of the allegations to anyone other than LADO.

6 Action to take on receipt of an allegation

The recipient of the report of an allegation will not investigate the alleged incident by interviewing those directly involved or any witnesses. They will simply establish:

- That an allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

Schools must not undertake their own investigations of allegations without prior consultation with the LADO (Local Areas Designated Officer) or, in the most serious cases, the police, so as not to jeopardise statutory investigations. An initial assessment discussion will take place between the Headteacher, Clerk and Treasurer (or whoever has the information regarding the concern), and the nominated person from the Local Authority (LADO).

A useful checklist for employers is contained within Appendix 1

What Happens after referral to LADO?

The LADO working with other professionals will advise the school on the action to take to safeguard children and also to safeguard the member of staff / alleged perpetrator. This will involve a strategy discussion. The Doncaster Flow Chart – Appendix 2 shows the stages in the LADO process.

How can I access full details on local procedures?

Doncaster procedures detailing the stages and type of enquiry are contained within the South Yorkshire Child Protection Procedures – Doncaster Safeguarding Childrens Board – Tri-Ax system. Accessed from www.doncastersafeguardingchildrensboardyellow folder (top right hand corner). The search for dealing with allegations against abuse will bring to you to the current section.

The schools work in accordance with local policies and procedures. All staff are reminded of this policy, this is included in staff induction and refreshed during whole school safeguarding training.

Appendix 1

Dealing with allegations of abuse against any member of staff any public setting

Education fact sheet to support school / academy approved dealing

This document combines statutory guidance for allegations of abuse against adults who work with children & young people issued in 2006, 'Working Together to Safeguard Children', DCSF 2013 and 'Dealing with Allegations Against Teachers and other Staff' 2011. Both documents can be found on the department for education website)

Scope of procedures:

The procedures will apply where an adult who works in any (paid or unpaid, supply, voluntary, locum, temporary or permanent) with children in any school or FE College has:

Behaved in a way that has harmed 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 that s/he would pose a risk of harm or unsuitability if they work regularly or closely with children.

The issue of harm/degree of risk is determined only after referral to the local authority designated officer (LADO).

They will also apply where:

Concerns arise about the adults behaviour with regard to her/his own children in a public setting.

Concerns arise about the employee's response to the behaviour or actions in the private or community life of a partner, member of the family or other household member.

Investigations:

There may be three strands to an investigation:

- Police investigation of a possible offence.
- A child protection investigation by Specialist Children's Services, possibly including the children of the member of staff.
- Disciplinary action by the employer.

Usually the police investigation and any subsequent prosecution will take precedence. Statements taken by the police and Children's Social Care can now be made available to the employer subject to consent.

Key Features:

1. Employer **must** designate a senior manager & deputy to deal with such matters. Staff below Head teachers should not become directly involved.
2. Make sure the child is safe.
3. Allegations against Head Teachers will be dealt with by the chair of governors (vice chair in their absence) but the allegation should not be communicated with the Headteacher. Seek LADO advice in all cases.
4. The nature of any investigation and actions will be determined by the LADO in consultation with the employer and, where appropriate, the police
5. Quick resolution is of benefit to everyone
6. Cases will be dealt with "expeditiously and fairly" (for both the alleged victim and the alleged perpetrator)
7. HR advice will determine suspension without prejudice
8. There will be a definite outcome from all investigations, even if alleged perpetrators resign
9. Detailed records will be kept on personnel files for 10 years or to normal retirement age, whichever is the longer (unless they are malicious), and mentioned in employment references (unless they are unsubstantiated, unfounded or malicious).
10. The Disclosure and Baring Service (DBS) and/or other regulatory bodies should be notified where appropriate.

The Doncaster LADO should be immediately contacted, within 24 hours after receipt of an allegation, by ringing:

Doncaster Children and Multi- Agency Assessment and Referral Service (CMARAS)

Telephone LADO on 01302 737748/737332 Monday to Friday 9am-5pm.

Outside hours contact the Emergency Social Services Team (ESST) on 01302 796000.

Employers Checklist:

- **Is action required to secure the immediate safety or well being of child/children?**
The child/children may need:
 - Medical attention
 - To be removed from the scene of an incident
 - A member of staff to look after them until parents arrive
- **Report to Head Teacher/Chair of Governors or Head of Service**
- **Head Teacher/Chair of Governors or Head of Service should:**
 - Record dates/times of alleged incidents
 - Details of those involved and any potential witnesses
 - Gather & secure already **existing** evidence
- **Do not take statements - this is a specialist role of the police. Do not ask leading questions. All you need to do is record what is said date and time, and pass on information to LADO for advice.**
- **Remain Calm, Listen to a child sympathetically, encourage them to speak, ask them if anything has happened, do not lead them, write everything down in the child's words. Do not promise confidentiality, ensure you can discuss this in privacy and respect the child's/young persons views, ensure the child is safe.**
- **Verify that the alleged event(s) could have happened**
 - Was the member of staff on duty and present when the alleged incident took place?
 - Are there credible witnesses who are able to confirm what happened?
 - **Contact the Local Authority Designated Officer (LADO)**
 - Provide all details of allegation and persons involved, where known
 - LADO will determine nature & scope of investigation & consultation with the police
 - Responsibility for employment matters rests with employer but will form part of advice
 - HR will provide on going support to maintained schools where appropriate
- **Inform parents when advised to by the LADO, police and professionals.**
- **Contact HR, especially if suspension or other action is being considered pending investigation –REFER TO DONCASTER FLOWCHART FOR STAGES IN THE LADO PROCESS.**
- **Decide what, if anything, you can tell other staff members only on advice from LADO**
 - The need for confidentiality is very important
 - Staff may be informed of a suspension because of an allegation/investigation – this can be agreed at the suspension meeting with the member of staff and their representative
 - No details of case should be discussed
 - Staff will need to observe a great deal of discretion

Remember : Process Affects Outcomes

Useful web links/resources:

- **Safeguarding Children and Safer Recruitment in Education, DCSF 2006, at:**
www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-04217-2006* Please note this is out to public consultation at time of writing this fact sheet. This will be revised September 2013 onwards.
- **Working Together to Safeguard Children, DCSF 2013, at:**
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00305-2010>
- **Doncaster Safeguarding Children Board Safeguarding & Child Protection Procedures, 2011, at**
www.doncastersafeguardingchildrensboard (top right hand yellow child protection policies and procedures book) search for managing / dealing with allegations of abuse against staff.
- **Dealing with Allegations of Abuse against Teachers and other Staff - Guidance for Local Authorities, Head Teachers, School Staff, Governing Bodies and Proprietors of Independent Schools, 2011 at:**
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00061-2011>



ALLEGATIONS CONCERNING ADULTS WORKING WITH CHILDREN

PATHWAY OF ACTIONS COMPLETED BY THE SENIOR DESIGNATED MANAGER AND LADO

