



The Tiffin Girls' School

PROCEDURE FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST ADULTS WORKING WITH STUDENTS

REVISED January 2020

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January 2020	Paragraphs 1 and 26.2 updated	v5.2

POLICY STATEMENT

1. The school follows statutory guidance from the Department for Education 'Keeping children safe in education – statutory guidance for schools and colleges' revised September 2019. The procedure should be read in conjunction with the school's Safeguarding Policy.
2. The procedure relates to all adults working with children and young people at The Tiffin Girls' School, whether in a paid or voluntary position including those on a temporary, supply or locum basis.
3. The procedure relates to adults (whether in a paid or voluntary position) who are currently working in the school regardless of whether The Tiffin Girls' School is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police as will historical allegations of abuse.

KEY POINTS

4. If an allegation is made, the quick resolution of that allegation should be a clear priority for the benefit of all concerned. Any unnecessary delays should be eradicated.
5. In response to an allegation, all other options will be considered before suspending a member of staff: suspension should not be the default option. An individual will be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification will be recorded and the individual notified of the reasons.
6. Allegations that are found to be malicious will be removed from personnel records; and any that are unsubstantiated, are unfounded or malicious will not be referred to in employer references.
7. Students that are found to have made malicious allegations are likely to have breached school behaviour policies. The school will therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
8. The school will follow the procedure detailed below for dealing with allegations.

DUTIES AS AN EMPLOYER AND EMPLOYEE

9. The school has a duty of care to their employees. Support will be provided for anyone facing an allegation and the employee will be given a named contact if they are suspended.
10. This procedure is about managing cases of allegations that might indicate a person would pose a risk of harm¹ if they continue to work in regular or close contact 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 or member of staff (including volunteers) in the school has:
 - a. behaved in a way that has harmed a child, or may have harmed a child
 - b. possibly committed a criminal offence against or related to a child; or

¹ The harm test is explained on the DBS website as follows: 'A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.'

- c. behaved towards a child or children in a way that indicates he or she may pose a risk of harm if they work regularly or closely with children
11. The school will ensure 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.

INITIAL CONSIDERATIONS

12. The Local Area Designated Officer (LADO) must be informed of all allegations that come to the school's attention as soon as possible so they can consult police and children's social care services as appropriate.
13. Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police.
14. The following definitions will be used when determining the outcome of allegation investigations:
- **Substantiated:** there is sufficient evidence to prove the allegation
 - **False:** there is sufficient evidence to disprove the allegation
 - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
 - **Unsubstantiated:** means that there is insufficient evidence to 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.

PROCEDURE

15. If an allegation is made, the member of staff receiving the allegation will immediately inform the Headteacher.
16. If the allegation made to a member of staff concerns the Headteacher, the member of staff receiving the allegation will immediately inform the Chair of the Governing Board who will consult with the LADO. Should this be the case, the Chair of the Governing Board will follow all the steps for the Headteacher set out below. The Chair of the Governing Board should be contacted via chair@tiffingirls.org
17. The Headteacher or the Chair of the Governing Board (hereafter known as the case manager), will discuss the content of the allegation with the LADO (Local Authority Designated Officer for Managing Allegations Against Adults Working with Children).
18. The purpose of the initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO 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.

19. 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. Where there is no such evidence, the case manager will discuss the allegations with the LADO in order to help determine whether police involvement is necessary.
20. The 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 will be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager will then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.
21. The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. The case manager will provide 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 will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.
22. The case manager will 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. (Please see further information on suspension below).
23. 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 staff are entitled to use reasonable force to control or restrain students in certain circumstances, including dealing with disruptive behaviour.
24. 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 LADO will discuss the next steps with the case manager. In those circumstances, the options open to the case manager 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. Suspension will not be the default position: an individual would be suspended only if there is no reasonable alternative.
25. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO will discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation would normally be undertaken by a member of the Senior Leadership Team. However, in other circumstances such as the nature or complexity of the allegation or lack of appropriate resource in the school, the case manager may ask an independent investigator to undertake the investigation (for example, a representative from the Local Authority).

SUPPORTING THOSE INVOLVED

26. Members of staff / volunteers

- 26.1 Individuals will 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.
- 26.2 Staff are advised to contact their trade union representative, if they have one, or a colleague for support. They are also able to access the school's Employee Assistance Programme (Workplace Options) for further confidential emotional support on 0800 243 458.
- 26.3 The case manager will 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 will 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.
- 26.4 Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

27. Parents / Carers and children involved

- 27.1 Parents or carers of a child or children involved will be told about the allegation as soon as possible by the case manager 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.
- 27.2 Parent or carers will 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 will be told the outcome in confidence.
- 27.3 The case manager will make parents or carers 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 will be told to seek legal advice.
- 27.4 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.

CONFIDENTIALITY

- 28. When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

29. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a student 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 or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied 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.
30. 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 or carer 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).
31. In accordance with the ‘Authorised Professional Practice’ published by the College of Policing in May 2017, 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, e.g. an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).
32. The case manager will take advice from the LADO, 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
 - how to manage press interest if and when it should arise

RESIGNATIONS AND ‘COMPROMISE / SETTLEMENT AGREEMENTS’

33. If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with this guidance. The school has a legal duty to refer an individual to the DBS where the following criteria are met:
 - 33.1 the harm test is satisfied in respect of that individual (see paragraph 10, footnote 1 for definition);
 - 33.2 the individual has received a caution or conviction for a relevant offence², or if there is a reason to believe the member of staff has committed a listed relevant offence, and
 - 33.3 the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

² Relevant offences are listed on www.gov.uk under ‘List of offences that will never be filtered from a DBS certificate’

34. The legal duty to refer applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended.
35. The school must also consider whether to refer the case to the Secretary of State. The Secretary of State may investigate the case and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.
36. 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/compromise agreement. A settlement/compromise agreement which prevents the school from making a DBS referral even though 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.
37. The school will make every effort 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 person will 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 on the basis of all the information available, should continue even if that cannot be done or 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.
38. 'Settlement agreements (sometimes referred to as compromise agreements), by which a person agrees to resign if the school 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 cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

RECORD KEEPING

39. Details of allegations that are found to have been malicious will be removed from personnel records.
40. 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 in the relevant confidential personnel file of the accused and a copy provided to the person concerned.
41. 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.
42. The school has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.
43. All other records will 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.

44. References: cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference.

TIMESCALES

45. It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation.
46. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. However, it is generally expected that almost all cases would be complete within 1-3 months. All but the most exceptional cases should be completed within 12 months.
47. For those cases where it is clear immediately that the allegation is unfounded or malicious, they will be resolved within one week.
48. 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 as misconduct, although if there are concerns about child protection, the case manager will discuss this with the LADO. In such cases, the school will instigate appropriate action within three working days. If a disciplinary hearing is required the school will follow the timescales and procedures set out in the school's Disciplinary Procedure. If no further investigation is required, the school anticipates holding a hearing within 15 working days.

OVERSIGHT AND MONITORING

49. The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the safeguarding partners. The LADO will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews would usually be conducted at fortnightly or monthly intervals depending on the complexity of the case.
50. Police forces will also identify officers who will be responsible for:
- liaising with the LADO
 - taking part in the strategy discussion or initial evaluation
 - subsequently reviewing the progress of those cases in which there is a police investigation; and
 - sharing information on completion of the investigation or any prosecution
51. 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 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.

SUSPENSION

52. 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. Suspension will not be an automatic response when an allegation is reported. All options to avoid suspension will be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO, children's social care or police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.
53. Suspension will 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. However, a person should not be suspended automatically; the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved and may wish to seek advice from HR and the LADO before suspending the accused. In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school, immediate action will be taken to ensure the individual does not carry out work in contravention of the order i.e. pending the findings of the Teacher Regulation Agency investigation³, the individual must not carry out teaching work. .
54. The case manager will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives will be considered by the case manager before suspending a member of staff:
- redeployment within the school so that the individual does not have direct contact with the child or children concerned
 - making an arrangement for another adult to be present when the individual has contact with children (e.g. a Technician or Cover Assistant)
 - redeploying to alternative work in the school so the individual does not have unsupervised access to children
 - moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents/carers have been consulted
 - temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or academy
55. 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.
56. If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the case manager and the LADO. This

³ The Teacher Regulation Agency, acting on behalf of the Secretary of State for Education, is responsible for investigating allegations of serious misconduct against teachers and Headteachers in schools, relevant youth accommodation, sixth form colleges and children's homes in England.

should also include what alternatives to suspension have been considered and why they were rejected.

57. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The person will be informed at the point of their suspension who their named contact is within the school and provided with their contact details.
58. 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 case manager. 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 LADO 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.

INFORMATION SHARING

59. In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
60. Where the police are involved, wherever possible the school will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
61. Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the school without delay.

ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

62. The police should inform the case manager and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged.
63. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision.
64. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

ACTION ON CONCLUSION OF A CASE

65. If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their HR advisor whether the school will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.
66. There is a legal requirement for the school 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. See Paragraph 10 above.
67. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that, which, depending on the individual's circumstances, may involve a phased return and/or the provision of a mentor to provide assistance and support in the short term. The case manager 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 a student at the school.

LEARNING LESSONS

68. At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.
69. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.
70. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

ACTION IN RESPECT OF UNSUBSTANTIATED OR MALICIOUS ALLEGATIONS

71. If an allegation is determined to be unsubstantiated or malicious, the LADO 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.
72. If an allegation is shown to be deliberately invented or malicious, the case manager should consider whether any disciplinary action is appropriate against the student 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 were not a student.