



**THE ALTUS SCHOOL**

# **ALLEGATIONS OF ABUSE AGAINST STAFF**

Date Approved: March 2023

Date of Review: March 2025

## 1.0 Background

The Department for Education have provided statutory guidance relating to the school's duties in handling allegations of abuse against teachers and other staff. Full guidance on this can be found in Part Four of the DfE Statutory Guidance "Keeping Children Safe in Education, September 2023

The guidance relates to the following legislation:

- the Children Act 1989;
- section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector);
- section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010;
- the Children Act 2004;
- section 11 of the Children Act 2004 (other agencies); and
- sections 141F, 141G and 141H3 of the Education Act 2002

## 2.0 Rationale

- If an allegation is made against a teacher or other staff the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.
- In response to an allegation, staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded, and the individual notified of the reasons.
- Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references. Pupils that are found to have made malicious allegations are likely to have breached behaviour policies. The Altus School will therefore consider whether to apply an appropriate sanction, which could include suspension or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- All allegations should be reported immediately to the Director/Headteacher of Alternative Provision. The Chair of the Management Committee is the person to whom reports should be made in cases where the Director/Headteacher of Alternative Provision is the subject of the allegation or concern. The procedures include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases.

### 3.0 Statement of Procedures

Where it is alleged that a teacher or member of staff (including volunteers) 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
- c. behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children the following procedures will be used.

3.1 In the first instance, the Director/Headteacher will obtain written details of the allegation, signed and dated by the person receiving the complaint or allegation (not the child/ person making the allegation).

3.2 The Director/Headteacher will

- countersign and date the written details
- record any other information about times/ dates and location of incidents and names of any potential witnesses.
- Consider in consultation with Gloucestershire County Council HR Services the appropriateness of implementing disciplinary procedures e.g. suspension of the person subject to the allegations.
- Do not investigate or interview accused person, child or potential witnesses until after the allegation has been reported to the LADO and it is agreed that this is appropriate.

The Director/Headteacher will report the allegation to the LADO within 1 working day.

3.3 The LADO and Director/Headteacher will;

- Establish that the allegation is within the scope of these procedures.
- Verify whether there is evidence or information that establishes that the allegation is false or unfounded.
- Consider whether further information is needed.
- Consider carefully whether suspension is needed.
- The Director/Headteacher or Chair of the Management Committee will inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). They will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice

- The Director/Headteacher or Chair of the Management Committee will keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- The Director/Headteacher or Chair of the Management Committee will provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. This includes reminding the individual that support and guidance may be offered by their trade union and the SAS services purchased by the school. A referral to Occupational Health may be made if the individual requires it.

3.4 The LADO will consider whether a strategy meeting should be initiated at which representatives of the police, children’s social care and The Altus School will be present to consider three strands:

1. If there is a criminal case to answer
2. If there is a child protection concern or
3. If the matter is to be referred back to The Altus School to consider whether disciplinary action is required.

3.5 In the case of such a meeting being convened The Altus School will act in line with any decisions made at this meeting.

The outcome of allegation investigations will be determined as one of the following:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **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;

- **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.

## 4.0 Action on conclusion of a case

- 4.1 If the allegation is substantiated and the person is dismissed or The Altus School ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO will discuss with the Director/Headteacher and HR Services whether to refer the case to the Disclosure & Barring Service for consideration of inclusion on the barred lists; or to refer to the Teaching Agency.
- 4.2 There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments. Local authorities, schools, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.
- 4.3 So-called 'compromise or settlement agreements', 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, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate, nor can it override the statutory duty to make a referral to the DBS where circumstances require that.

4.4 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Director/Headteacher and HR Services will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a 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 Director/Headteacher should 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 pupil at The Altus School.

### **Confidentiality and information sharing**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **Record-keeping**

The Director/Headteacher 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.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved

- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

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.

## References

When providing employer references, we will:

- › Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- › Include substantiated allegations, provided that the information is factual and does not include opinions

## Learning lessons

After any cases where the allegations are *substantiated*, the headteacher 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

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

## Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

### **Low Level Concerns**

Keeping Children Safe in Education refers to low level concerns that can be investigated by the school independently.

The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Examples of such behaviour could include but are not limited to:

- being over friendly with children
- having favourites
  - taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children.

If the Director/Headteacher is unsure whether this behaviour would constitute a low-level concern, they will seek advice from the LADO.

The Director/Headteacher may delegate addressing low level concerns to the DSL or another member of the leadership team.

## **5.0 Review**

This policy will be reviewed biannually as part of the policy review cycle of The Altus School and an assessment made of its implementation and effectiveness. The policy will be promoted and implemented throughout the school.