



# Hawthorn Park Community Primary School

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## Statement of procedures for dealing with allegations of abuse against teachers, other staff and volunteers

Date of document:	3 September 2018
Date for review:	October 2021
Lead reviewer:	Headteacher
Approval by:	governing body

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### 1 General

1.1 Safeguarding children and young people is the responsibility of everyone. (name) school (the school) is committed to safeguarding and expects all staff and volunteers to share this commitment. The school will provide appropriate guidance and training for all staff and volunteers.

1.2 This document provides for the effective protection of children and young people, and for allegations to be managed fairly, consistently and without delay. It is based on and consistent with the requirements of the Department for Education's statutory guidance for schools and colleges – keeping children safe in education (the latest version, effective from 3 September 2018 and is referred to as KCSIE 2018). This statutory guidance can be found at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> , and is available from the school's office.

1.3 Should circumstances arise where staff or volunteers have concerns in relation to poor or unsafe practice, or potential failures within the school's safeguarding regime, Central Bedfordshire council's local authority designated officer (LADO) should be contacted on **0300 300 5026 OR 0300 300 8142**.

1.4 Note that where concerns are such that immediate referral to the police or DSL is not required to safeguard a child or children, the school's whistleblowing policy provides channels for them to raise concerns. **Staff and volunteers have a duty to raise any such concerns and are encouraged to do so.**

### 2 Statement purpose

2.1 This statement sets out the action to be taken in the event that information comes to light, which indicates that a member of staff, a person with permission to be on the premises or carrying out any activity on behalf of Hawthorn Park Community Primary School or a volunteer may 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;
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children (see keeping children safe in education, under para 184).

2.2 This applies to any child the member of staff or volunteer has contact with in their personal, professional or community life.

2.3 All staff and volunteers must be aware of and act in accordance with the requirements of this statement, and with the content of KCSIE 2018.

### 3 Reporting information / an allegation

3.1 Anyone who has a concern, or has received factual information that indicates a member of staff or volunteer may have behaved in the manner described above, or has possibly committed a criminal offence against or related to a child, MUST:

- report the concern immediately and without delay to the head teacher, or where the head teacher is the subject of the concern, to the chair of the governing body (in the absence of the head teacher report to Anne-Louise Kyte the school's DSL, and in the absence of either party report to the next most senior member of staff;
- report the facts;
- make an accurate written record of the concerns, what has been witnessed or said;
- give a copy of the dated and signed record to the person to whom the concerns have been reported; and
- Maintain strict confidentiality.

3.2 All concerns will be listened to and managed appropriately. Information must not be withheld.

3.3 No one with information about an allegation should:

- attempt to deal with or investigate the concerns themselves;
- keep information to themselves or promise confidentiality where information is disclosed to them, or where they witness anything of concern;
- make assumptions or judgements about what they have witnessed or been told - any concerns must be reported: it is the responsibility of people in clearly defined roles to consider the information; or
- take any action which may undermine any investigation, such as discussing disclosures or information with alleged victims, witnesses, parents or carers, asking people to provide statements or alerting the person in respect of whom concerns have come to light.

### 4 How an allegation will be managed

4.1 Part four of KCSIE 2018 (allegations of abuse made against teachers and other staff) sets out the statutory framework for managing allegations. It is the responsibility of the head teacher, the senior leadership team and the school's DSL to be fully familiar with and act in accordance with the keeping children safe in education guidance as it applies from 3 September 2018.

4.2 Note that this guidance only applies to staff currently working at the school or current volunteers. Historical allegations, or allegations against a person no longer working or volunteering at the school, should be reported to the police (see keeping children safe, p 50, para 184). For current staff / volunteers:

- in the first instance, the school's DSL – Anne-Louise Kyte or her representative Clare Lewis 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);
- The DSL or her / his representative will report the allegation to the local authority designated officer (LADO) within **one** working day;
- where there is an immediate risk to a child or children, or evidence of a criminal offence, a decision may be taken to contact the police directly in the first instance;
- staff or volunteers who may be the subject of an allegation will receive appropriate support, and all requirements of KCSIE 2018 towards staff or volunteers will be observed (see p50 para 186, and pp 53-55 , paras 197 – 201 (supporting those involved) and paras 202 – 205 (confidentiality)).

4.3 The LADO and DSL 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; and
- consider carefully whether suspension is needed.

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

- If there is a criminal case to answer;
- If there is a child protection concern; or
- if the matter is to be referred back to the school to consider whether disciplinary action is required.

4.5 In the case of such a meeting being convened the 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.

## 5 Action on conclusion of a case

5.1 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 will discuss with the DSL and the HR provision whether to refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists; or to refer to the Teaching Agency in a case involving a registered teacher. 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.

5.2 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.

5.3 A ‘settlement agreement’, 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, and it cannot override the statutory duty to make a referral to the DBS where circumstances require that.

5.4 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the DSL and (appropriate human resources person / agent) 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 DSL 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 school.