



RIKKYO SCHOOL IN ENGLAND

Dealing with Allegations against the Headmaster, Teaching Staff, Support Staff, Supply Teachers, Volunteers and Contractors

Date	Review Date	Designated Safeguarding Lead	Deputy Designated Safeguarding Lead	Headmaster
01/12/2020	01/10/2021	Mr.T. Okuno	Ms.K. Amann	Dr.T.Okano

We believe this policy relates to the following legislation:

- Children Act 1989
- Police Act 1997
- Police Act 1997 (Criminal Records) Regulations 2002
- Education Act 2002
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education and Inspections Act 2006
- Children and Young Persons Act 2008
- Police Act 1997 (Criminal Records) (No. 2) Regulations 2009
- School Staffing (England) Regulations 2009
- Equality Act 2010
- Education Act 2011
- Protection of Freedoms Act 2012

The following documentation is also related to this policy:

- Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Headmasters, School Staff, Governing Bodies and Proprietors of Independent Schools (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children

An allegation is best defined as a claim or assertion that someone has done something illegal or wrong, typically one made without proof. It could be information that comes to light suggesting a teacher, a member of staff, a supply teacher, a volunteer or a contractor has

- behaved in a way that harmed a child or may have harmed a child
- possibly committed a criminal offence against a child, or related to a child
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children



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We have a duty to resolve all cases as quickly as possible and in a fair, thorough and consistent manner.

We recognise that anyone who comes into contact with children such as the Headmaster, teaching staff, support staff, supply teachers, volunteers and contractors are vulnerable to accusations of abuse.

We acknowledge that dealing with allegations against school personnel is a stressful, demanding, complex and delicate process for all involved. But we will ensure that all allegations will be taken seriously and investigated immediately and impartially in order to provide instant and effective protection for the child concerned and to provide support for the person who is the subject of the allegation. 'The procedures for dealing with allegations need to be applied with common sense and judgement. The following definitions will be used when determining the outcome 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. The term, therefore, does not imply guilt or innocence;
- **unfounded:** where there is no evidence or proper basis which supports the allegation being made.

(Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE))

We will make every effort to maintain confidentiality and guard against publicity while an allegation is being investigated.

We are aware that 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 pupil from the same school (where that identification would identify the teacher as the subject of the allegation).

We will ensure that any contractor, or any employee of a contractor, who is to work at school, will be subjected to the appropriate level of DBS check. We will not allow any contractor who has not been checked to work unsupervised. The identity of all contractors will be checked on arrival at school.

We will ensure that an allegation made against a contractor or any employee of a contractor will be investigated by the Headmaster and Designated Safeguarding Lead in the same way as investigating an allegation against a teacher, a member of support staff or a school volunteer.



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In the case of an allegation being made against the Headmaster we will ensure the investigation will be conducted by the Chair of Trustees who will discuss the allegation with the Local Authority Designated Officer.

We will ensure that allegations against a teacher who is no longer teaching will be referred to the police and any historical allegations of abuse will also be referred to the police.

We believe we have a duty of care to all school personnel, support staff, supply teachers, volunteers and contractors. We will provide effective support for anyone facing an allegation and will provide them with a named contact if they are suspended.

We have a responsibility to ensure allegations made against any individual not employed by the school, such as supply teachers or volunteers, are 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 subject of the allegation.

We wish to create a culture of openness that will allow children and school personnel to make truthful reports of any inappropriate behaviour and in the knowledge that all allegations will be taken seriously.

We encourage all school personnel to protect themselves against false accusations by treating all children with dignity and respect, and to ensure that when working alone with a child, they always maintain a safe and appropriate distance, avoid physical contact and be cautious when dealing with sensitive moments. Detailed information on how 1:1 teaching situations are to be handled are provided in Policy No. 2 Safeguarding and Child Protection.

We must ensure that school personnel do not suffer unnecessarily when false allegations have been made against them and that their careers are not wrecked.

We believe it is our duty to establish the reason why pupils make false allegations against school personnel and to put into place support procedures to help pupils overcome any problems they may have.

We understand that we have a legal duty once an allegation has been to undertake a full investigation, to record the decisions reached and action taken.

We believe allegations against staff can be minimised by having in place safer recruitment strategies, appropriate induction and training, an open and transparent safeguarding ethos, a professional code of conduct, regular staff briefing and discussion of safeguarding issues, and by ensuring that pupils are aware of safeguarding issues through PSHE.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.



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Aims

- To investigate all allegations against school personnel, support staff, supply teachers, volunteers or contractors seriously and impartially by providing protection for the child and support for the named person in the allegation.
- To ensure compliance with all relevant legislation connected to this policy.

Responsibility for the Policy and Procedure

Role of the Chair of Trustees

In case of an allegation against the Headmaster, the Chair of Trustees will:

- Immediately discuss the allegation with the local authority Designated Officer (LADO) to consider the nature, content and context of the allegation and agree a course of action;
- Record the decision
- Inform the Headmaster about the allegation only after having spoken with the LADO

Role of the Headmaster

The Headmaster will:

- handle all allegations against any member of the teaching staff, support staff, supply teachers, volunteers contractors or any employee of a contractor;
 - Will take the allegation seriously, will keep an open mind and will not promise confidentiality to the informant.
 - Will not undertake an investigation without prior consultation with the LADO or, in the most serious cases, the police, in order to not jeopardize statutory investigations.
 - Will make a written record of the allegation by using the informants words;
 - including the date, time, place of the incident, and those present;
 - signing and dating the record.
 - Will immediately contact the Local Authority's Designated Officer (LADO) and agree a course of action.
 - Will not undertake any discussions without the Designated Officer.
 - Will make a written record about any discussions with the Designated Officer and others.
 - Will ensure the Designated Officer has full details of the person against who a concern has been raised and the person who is the subject of the concern.
- refer any allegation against a teacher no longer working in the school to the police;
- refer any allegation against a teacher no longer teaching to the police;
- consult with the Local Authority Designated Officer when an allegation has been made;
- appoint an independent investigator if the allegation is deemed to be serious;



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- share information about the named person in the allegation and the alleged victim with all agencies involved in the investigation;
- keep the person who is the subject of the allegation informed of the progress of the investigation;
- provide support for the person who is the subject of the allegation by:
 - informing them of the concern or allegations and giving an explanation of the likely course of action unless there is an objection by the children's social care services or the police;
 - advising them to contact their trade union representative or a colleague for support;
 - giving access to welfare counselling or medical advice;
 - appointing a named representative who will provide information on the progress of the case and will consider what other support that is appropriate for the individual
- keep parents informed of the investigation and outcome subject to advice from childrens social care or the police
- provide appropriate support and counselling for the child and parents during the whole process;
- consider suspending the person who is the subject of the allegation or whether alternative arrangements should be put in place until the allegation is resolved
- where a member of boarding staff is suspended pending an investigation, the Headmaster will consider if arrangements for alternative accommodation away from children should be made;
- discuss with the LADO if a referral to the Disclosure and Barring Service or the Teaching Regulation Agency should be made when an allegation is substantiated and the person is dismissed, the school ceases to use the person's services, the person resigns or otherwise ceases to provide their services
- make every effort to maintain confidentiality and to prevent unnecessary publicity;
- provide return to work support such as Occupational Health support for a member of the school personnel returning to work after suspension following a positive conclusion to the investigation;
- consult with the Local Authority Designated Officer what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false;
- on conclusion of the case, review the circumstances together with the LADO to decide if any improvements to the school's safeguarding procedures or practices should be made to help prevent similar cases in the future;
- work closely with Safeguarding Trustee and the Designated Safeguarding Lead;
- Ensure that a serious incident report is being made to the Charity Commission if the Commission's guidelines deem this appropriate to do;
- Monitor the effectiveness of this policy
- provide guidance, support and training to all staff;



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Role of the Designated Safeguarding Lead

The Designated Safeguarding Lead will:

- ensure the implementation of this policy;
- ensure everyone connected with the school is aware of this policy;
- work closely with the Headmaster and the Safeguarding Trustee;
- take action in accordance with these procedures if an allegation is reported to him in the absence of the Headmaster
- help create a culture within the school of listening to children;
- keep up to date with all new guidance on how to deal with allegations;
- keep all school personnel up to date with any changes to procedures;
- organise appropriate training for school personnel;
- ensure all incidents are recorded, reported and kept confidential;
- keep all paperwork up to date;
- report back to the appropriate school personnel when necessary
- annually review the policy with the Headmaster.

When an allegation against the Headmaster is made, the Designated Safeguarding Lead will:

- immediately inform the Chair of Trustees about the allegation;
- if for any reasons this causes a delay, a referral should be made immediately to the LADO to consider the nature, content and context of the allegation and agree a course of action;
- record the decision.

Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- report and deal with all incidents of discrimination;
- report any concerns they have on any aspect of the school community.

Procedure to Report Allegations

School personnel must:

- make a dated and timed written record of the disclosure or incident causing concern about a member of the school personnel, a school volunteer or a contractor;
- inform the Headmaster immediately and if the Headmaster is absent, inform the DSL;



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- if the concern is about the Headmaster, make a dated and timed written record of the disclosure or incident and inform the DSL immediately, who will contact the Chair of Trustees;
- inform the LADO directly if for any reasons this causes a delay;

The Headmaster or in his absence or in case that the allegation is against the Headmaster, the DSL will:

- follow up the referral;
- make records of any discussions and any investigation that takes place;
- decide whether to take the referral further or to monitor the situation;
- keep the person informed who initially reported the allegation of the decision made

as detailed above under “Role of Headmaster”

The Local Authority Designated Officer will:

- work with and alongside the school when dealing with allegations against school personnel;
- call for the intervention of the police and children’s care services if they feel the allegation is very serious;
- advise the school of the course of action if they consider the intervention by police and children’s care services is not necessary;
- consult with the school what action should be taken such as referral to children’s social care or disciplinary action if the allegation was found to be false

The Named Person in the Allegation

The named person in the allegation will:

- be kept informed of the course of action after the initial consultation with the Local Authority Designated Officer;
- be kept informed of all stages of the investigation;
- be advised to contact their union or professional association as soon as an allegation has been made;
- be advised by their union or professional association at all stages of the investigation

Suspension of the Named Person in the Allegation

Suspension will only take place if:

- a child or children are at risk;
- the allegation is of a very serious nature;
- it will help in the smooth running of the investigation



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Records of Allegations

A detailed record of each allegation must be kept which clearly shows the:

- nature of the allegation
- follow-up action
- decision reached
- action taken

Written records must be:

- kept on the person's confidential personnel file with a copy given to the person concerned
- kept for a period of 10 years

Details of allegations that are found to be malicious (that is allegations made to deliberately to deceive) will be removed from personnel records and will not be included in any future references.

In cases of an allegation being deliberately invented or malicious we will consider taking action against those who have made false accusations.

Role of Parents/Carers

Parents/carers will:

- be aware of and comply with this policy;
- be aware that under section 141F of the Education Act 2002 there is a prohibition on reporting or publishing allegations about teachers;

Confidentiality

When an allegation has been made and during the investigation we will do everything possible to maintain confidentiality.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headmaster.

Previous 02/11/2015, updated 12/01/2017, 29/10/2018, 18/10/2019