

Tacolneston & Morley CE VA Primary Schools Federation



Learn together, work together, grow together...

Allegations of Abuse Against Staff Policy

All policies at Tacolneston & Morley CE VA Primary Schools Federation should be taken as part of the overall strategy of the school and implemented within the context of our Safeguarding Policy and our vision, aims and values as Church of England Schools.

Agreed: Summer 2019

Head Teacher:

Governor:

Review : Summer 2020

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Executive Head Teacher: Mrs Laura Green

Chair of Governors: Mr Robert Culyer

Statement of intent

Tacolneston & Morley CE VA Primary Schools Federation takes its responsibility of care for its pupils seriously. We recognise that any possibility that a member of staff may have hurt a pupil must be investigated thoroughly, but in a way that does not prejudice either the pupil or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective and professional standards and routines described here.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- The Children Act 1989
- The Education Act 2002
- The Education (Independent School Standards) Regulations 2015
- The Children Act 2004
- DfE (2018) 'Keeping children safe in education'
- DfE (2018) 'Working Together to Safeguard Children'

1.2. This policy should be followed in conjunction with the following school policies and procedures:

Behaviour Policy

Complaints Policy

Governors' Written Statement of Behaviour Principles

2. Initial allegation made to the school

2.1. Any allegation of abuse, whereby a member of staff is accused of abusing a pupil, will be reported to the Head Teacher. Should the initial allegation first be made to any other member of staff, then that member of staff will either request the person raising the allegation to report it to the Head Teacher or, if that is not possible, to pass details of the allegation to the Head Teacher immediately.

- 2.2. Should the allegation be made against the Head Teacher, this will be brought to the attention of the Chair of Governors immediately.
- 2.3. Should the allegation meet any of the following criteria then the Head Teacher will report the allegation to the designated officer (DO), formally known as the LA designated officer (LADO), the same day that the allegation is received. A teacher or member of staff (including a volunteer) in a school, FE college or other education establishment that provides education for children under 18 years of age 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.
 - Behaved towards a child or children in a way that indicates that they pose/ may pose a risk to children.

3. Initial consideration

- 3.1. The Head Teacher will discuss the matter with the DO and provide any further details of the allegation and the circumstances in which it was made. The Head Teacher will not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.
- 3.2. If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the DO will immediately refer it to LA children's social care and ask for a strategy discussion, in accordance with 'Working Together to Safeguard Children', to be convened straight away. In those circumstances, the strategy discussion will include the DO and the Head Teacher.
- 3.3. If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the DO will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the Federation and any other agencies involved with the child.

4. Action following initial consideration

- 4.1. Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the Head Teacher to deal with. In such cases, if the nature of the allegation does not require formal disciplinary action, the Head Teacher will institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.
- 4.2. Where further investigation is required, the Head Teacher will discuss who will undertake that with the DO.
- 4.3. The investigating officer aims to provide a report to the Head Teacher within 10 working days.
- 4.4. On receipt of the report of the investigation, the Head Teacher and Chair of Governors will consult the DO and decide whether a disciplinary hearing is needed within 2 working days. If a hearing is needed, it will be held within 15 working days.
- 4.5. In any case in which children's social care has undertaken enquiries to determine whether the child or children need protection, the Head Teacher and Chair of Governors will take account

of any relevant information obtained in the course of those enquiries when considering disciplinary action.

- 4.6. The DO will continue to liaise with the Federation to monitor progress of the case and provide advice or support when required or requested.

5. Cases where crimes may have been committed

- 5.1. If there is no cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the DO will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the Federation.
- 5.2. Where the involvement of children's social work services is not required, as the pupil is not assessed to be at risk of significant harm, but a police investigation continues, the DO will agree with the police, the Federation and any other agency involved with the child, the nature of the allegation and how this must be addressed.
- 5.3. This joint evaluation discussion must take place within one working day of the referral and must consider how to progress enquiries, e.g. a criminal process parallel with a disciplinary process or whether disciplinary action needs to be suspended until police enquiries/prosecution are completed.
- 5.4. These investigations must be reviewed by the police no later than four weeks after the joint evaluation discussion has concluded and, thereafter, at fortnightly or monthly intervals, depending on the complexity of the case.
- 5.5. If the police and/or the Crown Prosecution Service (CPS) decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police will pass all information they have which may be relevant to a disciplinary case to the school without delay. In those circumstances, the Head Teacher will deal with the case in consultation with the DO.
- 5.6. If the person is convicted of an offence, the police will also inform the employer straight away so that the appropriate action can be taken.

6. Allegations which are likely to necessitate an immediate referral to child protection

- 6.1. The following situations will require immediate referral to child protection:

- Where the pupil has suffered, is suffering, or is likely to suffer significant or serious harm
- Where the pupil alleges that a criminal offence has been committed
- Any allegation of a sexual nature

- 6.2. The Head Teacher is aware that some other complaints may also be regarded as child protection issues and, therefore, each complaint will be carefully considered in consultation with the DO before taking any action.

6.3. Where allegations of the above are referred to children's services, subsequent action will be in accordance with the local safeguarding arrangements.

7. Suspension

7.1. The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, that will require the school to consider suspending the person until the case is resolved.

7.2. Suspension is not an automatic response when an allegation is reported. If the school is concerned about the welfare of other children in the community or the staff member's family, those concerns will be reported to the DO or police, but suspension is highly unlikely to be justified based on such concerns alone.

7.3. Suspension will only be considered in a case where there is cause to suspect a child or other children at the school is or are at risk of harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal; however, a person will not be suspended automatically, or without careful thought being given to the particular circumstances of the case.

7.4. The Federation will consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved, and may wish to seek advice from the personnel adviser.

7.5. The Federation will also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will, however, depend upon the nature of the allegation.

7.6. The Federation will consider the potential permanent professional reputational damage to members of staff that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

7.7. Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving the reasons for the suspension. The person will be informed at that point who their named contact is within the school and provided with their contact details.

7.8. Children's social care services or the police cannot require the Federation to suspend a member of staff or a volunteer, although the Federation will give appropriate weight to their advice.

7.9. The power to suspend is vested in the Head Teacher or Governing Body who are the employers of staff at the Federation.

7.10. In certain circumstances, where a strategy discussion or initial evaluation concludes that there should be enquiries by children's social care services and/or an investigation by the police, the DO will 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 to inform the Federation's consideration of suspension.

7.11. A risk assessment is carried out for each individual case to determine whether the member of staff should be suspended. The assessment takes into account the context of the allegation, background information in relation to the member of staff, and any outcome following the strategy meeting. It also takes into account whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension. The assessment is recorded, and a copy kept on file. Strategy meeting

8. Strategy meeting

8.1. A strategy meeting will be convened within one working day of the referral being made and chaired by the child protection and review unit.

8.2. The DO and all relevant personnel including, where appropriate, the Head Teacher (or nominated representative), will attend this meeting in order to share information and participate in the planning of any enquiries.

8.3. The strategy meeting will be conducted in accordance with local safeguarding arrangements.

8.4. The purpose of the strategy meeting is to:

- Consider the risk to the pupil directly involved and other pupils.
- Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
- Determine the need for investigation and who is responsible for carrying it out.
- Plan the investigation/enquiries and set timescales for tasks to be undertaken.
- Consider whether any other children are affected by the allegations, e.g. the person's own children, grandchildren, or other children in the agency setting such as children placed with foster carers, childminders or youth clubs.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Decide how regular information and support will be provided to the child and family and by whom.
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation (section 47 enquiry) and disciplinary processes.
- Consider the need to inform relevant parties.
- Jointly consider how to manage any media interest.
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with pupils; this may change as the investigation progresses and should be reviewed regularly.
- Consider the appropriate course of action if the allegation is against a governor, a temporary member of staff or a supply teacher.

9. Attendance

9.1. An LA social worker, health practitioners and a policy representative will be involved in the strategy discussion. A representative from the Federation will also attend.

9.2. The member of staff who is the subject of the allegation will not be invited to attend the meeting; however, the strategy meeting will agree when and how the member of staff will be informed.

9.3. The minutes of the strategy meeting will be circulated by the chair of the meeting to relevant parties.

10. Communication following the strategy meeting

10.1. The following people will be informed of the outcome of the strategy meeting:

- The pupil making the allegation and their parents will be informed of the likely course of action and that the matter is confidential and must not be discussed.
- The member of staff against whom the allegation has been made will be informed of the likely course of action – a record will be kept on the individual's personnel file.
- The Chair of Governors will be informed of the likely course of action.

10.2. Subsequent strategy meetings will be held fortnightly, or at a minimum monthly, to review progress.

11. Monitoring progress

11.1. The DO will regularly monitor the progress of cases, either by reviewing strategy meetings, or by liaising with the police and/or children's social work services colleagues or the Federation, as appropriate.

11.2. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

12. Referral to DBS

12.1. If, on conclusion of the case, the Federation ceases to use the person's services against whom the allegation was made, or the person ceases to provide his or her services, the Federation will consult the DO about whether a referral to the DBS is required. If a referral is appropriate, the report will be made within one month.

12.2. Referrals to the Teaching Regulation Agency (TRA) are also made where appropriate.

13. Keeping records

13.1. A clear and comprehensive record of any allegation is made even if police/disciplinary action is not taken or proven. This includes details of the allegation, how the allegation was followed up and resolved, and a note of any action taken, including any sanctions imposed.

13.2. The record will be kept on the member of staff's confidential personnel file.

13.3. If an allegation is found to be malicious, it will be removed from the staff member's personnel file.

13.4. The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the Federation.

- 13.5. It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS, if requested, due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction.
- 13.6. The record will be retained until normal retirement age or for 10 years; whichever is the shortest period of time.
- 13.7. The Federation is required to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse, for the term of the inquiry.

14. Confidentiality

- 14.1. Confidentiality is maintained whenever an allegation is made; however, there may be a need to share information with relevant agencies, for example at a strategy meeting, on a need-to-know basis.
- 14.2. Any enquiries from the press will be directed to the Chair of Governors, unless it is a freedom of information or subject access request, in which case the Head Teacher will contact HR or Legal Services as contracted by the Federation.

15. Action to be taken in respect of false and unsubstantiated allegations

- 15.1. If an allegation made by a pupil is proved to be false, unsubstantiated and/or malicious, action will be taken to determine whether the person who made the allegation needs services or may have been abused by someone else.
- 15.2. In the case of a pupil deliberately inventing or making a malicious allegation, the Head Teacher will consider acting in accordance with the Behaviour Policy or whether the police should be asked to consider if action may be appropriate against the person responsible.
- 15.3. If it is clear to the Head Teacher and the DO that the allegation is demonstrably false or unfounded, the member of staff will be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.
- 15.4. Where appropriate, and if requested, support will be offered, which could include occupational health and counselling services.
- 15.5. If an allegation made by a member of staff is proved to be false and/or malicious, an investigation will take place in accordance with the Federation's Disciplinary Policy and Procedure. The police may also consider taking action against the individual making the allegation.
- 15.6. Details of allegations that are found to have been malicious will be removed from the staff member's personnel file.
- 15.7. Allegations that are proven to be false, unsubstantiated or malicious will not be included in references.

16. Learning lessons

16.1. Where an allegation has been made against a member of staff, lessons can be learned, whether the allegations are proven or not. At the conclusion of a case, relevant parties will discuss what can be learned and, therefore, lead to improved practice, either to the Federation procedures or to help prevent similar events in the future. The DO and the Head Teacher will review the case.

17. Information sharing

17.1. In a strategy meeting or initial evaluation of the case, the agencies concerned will share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim.

17.2. Staff attending the strategy meeting will be prepared with the appropriate information, e.g. full name, address, when their latest DBS check was completed, start date, involvement in youth activities, children of their own, and any other information that could be helpful.

17.3. As per procedures, the police will obtain consent from the individuals concerned to share the statements and evidence they obtain with the Federation for disciplinary purposes. This will be done as their investigation proceeds rather than after it has concluded. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

17.4. Children's social services adopt a similar procedure when making enquiries to determine whether the pupil named in the allegation needs 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 Federation without delay.

18. Resignations and 'compromise or settlement agreements'

18.1. The fact that a person tenders their resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.

18.2. Every effort is made 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.

18.3. Wherever possible, the person will be given a full opportunity to answer the allegation and make representations about it.

18.4. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, will continue even if representations cannot be given or the person 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.

18.5. In the same way, ‘compromise’ or ‘settlement agreements’, by which a person agrees to resign if the Federation agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, will not be used in these cases.

18.6. In any event, 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 or the TRA where circumstances require that.

19. Supporting those involved

19.1. Supporting the employee:

- The Federation has a duty of care to their employees. They will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is vital to fulfilling this duty.
- 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.
- The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice.
- The Federation 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; this may include occupational health.
- Particular care needs to 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.
- Social contact with colleagues and friends is not to be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

19.2. Supporting the parents:

- Parents of a child or children involved will be told about the allegation as soon as possible if they do not already know of it; however, where a strategy discussion is required, or the police or children’s social care services need to be involved, the Head Teacher will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents.
- They will also 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 considered in reaching a decision, cannot normally be disclosed, but the parents of the child will be told the outcome in confidence.
- In deciding what information to disclose, careful consideration will be given to the provisions of the GDPR and the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

19.3. Supporting the child:

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, will consider what support the child or children involved may need.

20. Policy review

20.1. This policy is reviewed annually by the Head Teacher and Governing Body.

20.2. The scheduled review date for this policy is Summer Term 2020.