

Allegations of Abuse against staff Policy



Approved by: Diane Anderson

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Allegations of Abuse against staff Policy

This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children or
- If a member of staff has been allegedly accidentally and not deliberately hurt a pupil during restraint or positive holding and has used reasonable force in order to keep the pupil safe from harming themselves or others (please see positive holding / restrain policy and parent agreement)

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Freshsteps is committed to providing the highest level of care for both students and its staff. It is extremely important that any allegations of abuse against any teacher, any other member of staff, or any volunteer in our school, is dealt with thoroughly and efficiently so that we can maintain the highest level of protection for the child whilst also providing support to the member of staff the allegation is against. Our policy is in line with statutory guidance from the Department of Education.

This policy is designed to ensure that all staff and students as well as parents/careers are aware of the procedure for the investigation of allegations of abuse so that all complaints are dealt with as efficiently and effectively as possible.

We hope that having a clear outlined policy will enable students to feel comfortable that they can voice any concerns about any member of staff. If any allegations are made they will be reported to the headteacher or safeguarding officer. All allegations will be taken seriously and investigated instantaneously.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. The policy must be followed directly when dealing with allegations but may be adapted to each case. This policy will be used alongside the school's complaints policy and child protection and safeguarding policy.

Note: Complaint, child protection and safeguarding policies can be found in the Statutory Guidance folder in the main office. Please make an appointment if you wish to read our policies

This policy will be used in any case where it is suspected or alleged that any member of staff or a volunteer at Freshsteps has:

- Behaved in such a way that may have harmed a child or may have intended to harm a child. Our child protection policy outlines what it means to harm a child.
- Acted outside of the law in relation to dealings with children
- Behave in a way that suggest you may be unsuitable to work with children

Parent Complaint

If it is found that a pupil has been accidentally hurt during a pupil's violent conduct / vandalism or while being restrained or positively held, this will be investigated thoroughly by the deputy headteacher. If the parent has asked for this to be investigated further, this will be done with the senior leadership team and / or the headteacher in the first instance. The headteacher make seek advise from governors if needs be.

Parents will be informed of the situation. If the parent is satisfied there was no intention of harm to the pupils and wishes to take no further action, the headteacher will seeks a resolution with the parent. The headteacher will notify the governors and report to the LADO in any incidents of this nature.

Timescale

It is imperative that any allegations made against staff are dealt with as professionally and effectively as possible to:

- Minimise the risk to the child
- Minimise the impact on the child's academic progress
- Ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents and students should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Headteacher. Complaints about the headteacher should be reported to the Board of Director or directly to the Local Authority Designated Officer (LADO).

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

The LADO will be contacted by The Headteacher and a discussion will take place to decide whether:

- No further actions are needed
- A strategy discussion should take place
- There should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.

Investigation

An Investigation into allegations is normally carried out by children's social services or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will cooperate with investigative agencies.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The student(s) who makes the allegation and their parents/carers:

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.

Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.

Social Services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

Note: there will be an initial meeting with the Headteacher or board committee with the parents of children once an allegation has been made, to explain further the procedure for dealing with such a situation.

The school's **whistleblowing code** enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee:

Freshsteps has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

The person who is subject of the investigation will be informed as soon as the allegation has been made, but only after the headteacher has spoken to the chair of governors. The employee will be then advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under the investigation.

The Headteacher or 'The Board' will keep the subject of allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the school should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

Confidentiality

The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

Suspensions

The school will not suspend a member of staff without serious consideration, and will not do it instantly after an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the pupil making the accusation.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The headteacher holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary.

Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for suspension.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until a decision has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation.

Compromise agreements will not be used in situations which are relevant to these procedures.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will allow the school to:

- Provide all the necessary information for future schools if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
- Prevent unnecessary re-investigation in the future if any allegation re-surfaces.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references. The records will be kept by the Headteacher

Details of any allegation made by a pupil will be kept in the confidential section of their record.

Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the school to the Independent Safeguarding Authority. The school will be advised on this by the police and/or social services.

If it is decided that the employee may return to school (after suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the used of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

Action in case of false allegations

Where an allegation is proven false, the headteacher and chair of governors may refer to social services to determine whether the child is in need of special care, or to help understand if they are being abused elsewhere.

If an allegation is found to be intentionally factitious and malicious, the headteacher will decide what the proper sanction will be for the pupil who made the false allegation. The school's behaviour policy sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

The headteacher may wish to include other Director members of the school when considering what action to take. The school has the power to suspend or expel pupils who make false claims, or refer the case to the police if the school thinks a criminal offence has been committed.

If the claim has been made by a person who is not a pupil, the school will hand the information over to the police who may take further action against that person.

After the case

Learning lessons

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

1 No matter what the outcome is of an allegation of abuse against staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

This policy will be reviewed every 2 years

Links with other policies.

Safeguarding and child protection policy (Appendix 3: allegations of abuse made against staff)

Safer recruitment

Staff code of conduct