

Ellwood Community Primary School

Believe, Achieve, Belong



Managing Allegations Against Staff Policy

Date reviewed: July 2023

Next renew date: July 2025

Introduction

Ellwood Community Primary School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our school is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance from the Department of Education [DfE].

What legislation does this guidance relate to?

- Keeping children safe 2023
- 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)

This policy is designed to ensure that all staff, children and parents or carers are aware of the procedure for the investigation of allegations of abuse, in order that all complaints are dealt with consistently and as efficiently as possible.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the school's complaints policy, low level concern policy and safeguarding policy. Please see the information below to help identify an allegation or a low level concern.

Low Level Concern (see low level concern policy for more information)

A low-level concern about an adult's behaviour towards a child that does not meet the allegation and safeguarding thresholds, or is not otherwise serious enough to consider a further referral to LADO. A low-level concern is any concern, no matter how small, and even if no more than a **nagging doubt** or **a sense of unease** that an adult may have acted in a manner which:

- is not consistent with the school's safeguarding policy and procedures e.g taking a photo of a child on a personal device
- is not consistent with the school's values e.g humiliating or embarrassing a child intentionally
- relates to conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children

Employees have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

Allegation

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

- behaved in such a way that may have harmed a child or may have intended to harm a child
- acted outside of the law in relation to dealings with a child
- behaved in any way that suggests they may be unsuitable to work with children or pose a risk of harm to a child if they work regularly or closely with children.

Key Points

- If an allegation is made against a teacher 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 by the school 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.

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Timescale

It is imperative that allegations against staff are dealt with as efficiently 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 children should be aware of the procedures set out in this policy. Hopefully most cases should be resolved in a month but exceptional cases should be completed in 12 months.

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Head Teacher (Mrs D Milford). Complaints about the Head Teacher should be reported to the Chair of Governors (chair@ellwood.gloucs.sch.uk or phone the school office 01594 833232 to obtain the Chair of Governors contact details), who will then contact the Local Authority Designated Officer (LADO); Nigel Hatton nigel.hatton@gloucestershire.gov.uk 01452 426994
LADO@gloucestershire.gov.uk

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 Head Teacher or Chair of Governors and a discussion will take place to decide whether:

- no further actions are needed
- an internal investigation should take place
- a strategy meeting 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 meeting is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.

A referral form is to be completed and can be found here:

<https://www.gloucestershire.gov.uk/media/2124377/am-referral-form-v4-2023.docx> and returned to amadmin@gloucestershire.gov.uk

Initial Consideration

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above at all, or may do so without warranting consideration of a police investigation or enquiries by local arrangements should be followed to resolve cases quickly and without delay.

Some rare allegations will be so serious as to require immediate intervention by the local authority's social care services and/or police. The local authority designated officer (LADO) should be informed of all allegations that come to a school's attention and appear to meet the criteria so that he or she can consult police and local authority children's social care services as appropriate.

In the first instance, the Head Teacher or Chair of Governors, should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO, and the Head Teacher, to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the school to provide or obtain any additional information which may be relevant, such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the Head Teacher or Chair of Governors and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by

whom. The Head Teacher of Chair of Governors should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

The head teacher or principal should inform the accused person about the allegation as soon as possible after consulting the LADO. He or she should provide them with as much information as possible at the time. However, where a strategy discussion is needed, or police or local authority's social care services need to be involved, the head should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved. Please see further information on suspension.

Where it is clear that an investigation by the police or local authority children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Head chair of governors, In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Suspension should not be the default position – an individual should only be suspended if there is no reasonable alternative.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the head teacher or chair of governors how and by whom the investigation will be undertaken. In straightforward cases the investigation should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource within the school or the nature or complexity of the allegation will require an independent investigation of allegations, often as part of the personnel services that schools can buy in from the authority. It is important that local authorities ensure that schools have access to an affordable facility for independent investigation where that is appropriate.

An investigation into the 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 person(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. There will be a staff member designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. 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 a 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. The school's whistleblowing policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

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.

The employee:

Ellwood Primary School 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 the subject of the investigation will be informed as soon as the allegation has been made, but only after the Head Teacher has spoken to the Chair of Governors (Mrs Ulyatt). The employee will then be 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 investigation.

The Chair of Governors will keep the subject of the 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 Head Teacher or Chair of Governors will contact their Human Resources Department of the Local Authority to discuss the issue. The school will not suspend a member of staff without serious consideration, and will not do it automatically once 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 allegation.

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 Head Teacher and Chair of Governors 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 the 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 an outcome 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 enable 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 an 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 Chair of Governors. 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 a 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 use 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 the case of false allegations

The Head Teacher 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 Head Teacher may wish to include the school governors when considering what action to take. The school has the power to exclude 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.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.56 of *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

After the case

No matter what the outcome is of an allegation of abuse against staff, where the allegation concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made in its practice or policy that may help to prevent similar cases in the future.

Monitoring and Review

The Governing Body will review this policy annually and assess its implementation and effectiveness.

Review: July 2023

By: Mrs Milford

Signed: Mrs Milford

