



Procedure for dealing with allegations of abuse against staff

Effective February 2022



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Summerlea C P School Procedure for dealing with allegations of abuse against staff

Introduction

Summerlea 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 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.

This policy is designed to ensure that all staff, students 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.

We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Headteacher immediately or to the Chair of Governors where the Headteacher is the subject of concern.

All allegations will be taken seriously and investigated immediately.

Scope

This policy applies to all governors, parents and carers, pupils, staff and leaders of Summerlea Community Primary School.

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 and child protection and safeguarding policy, which can be found on the school website or in the school office.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school 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 s/he would pose a risk of harm if they work regularly or closely with children.

Timescales

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 pupils should be aware of the procedures set out in this policy.



Procedure

See Appendix 1 from Safeguarding and Child Protection Policy

Reporting an allegation

All concerns of poor practice or possible child abuse by staff or volunteers should be reported immediately to the Headteacher. **Complaints about the Headteacher should be reported to the Chair of Governors** who will then contact the Local Authority Designated Officer (LADO).

Staff who are concerned about the conduct of a colleague / volunteer 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/Chair of Governors 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.

Where an allegation is made against a supply teacher, the Headteacher will immediately contact both the agency concerned and the LADO. The school will continue to support any investigation that is required.

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.

West Sussex LADO: lado.admin@westsussex.gov.uk

Phone number 0330 222 6450

Investigation

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.

Where further investigation is required to inform consideration of disciplinary action the DSL and the school governors should discuss who will undertake that with the local authority designated officer.

The investigating officer should aim to provide a report to the employer within 15 working days. The following definitions should be used when determining the outcome of allegation investigations:

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.

On receipt of the report of the disciplinary investigation, the DSL and the school governors should consult the local authority designated officer and decide whether a disciplinary hearing is needed within 5 working days.

If a hearing is needed it should be held within 15 working days.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the school governors and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The local authority designated officer should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

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.

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 school's Confidential Reporting and Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee:

Summerlea Community 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 Headteacher has spoken to the Chair of Governors. 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 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 Headteacher 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 resurfaces.

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 school.

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

Where an allegation is proven to be 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 to 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 the school governors when considering what action to take. The school has the power to suspend or exclude pupils who make false claims or refer the case to the police if the school thinks a criminal offence has been committed.

The Headteacher/Chair of Governors will write to the employee stating that the allegation has been found to be false and that there has been no case to answer and a copy of that letter will be filed in a confidential section of the employee's staff records.

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

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.

Monitoring, Evaluation and Review of this Policy

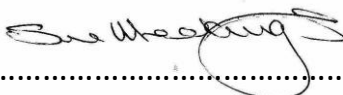
The policy should be reviewed every 2 years. The key questions should be:

- Have there been any changes in legislation since the last policy?
- Are we achieving any potential benefits identified in this policy?
- Have there been any unexpected benefits?
- How can we make policy and practice even better?

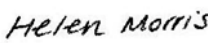
This policy was approved by the governing body of Summerlea Community Primary School

on:9th February 2022.....

Signature of Chair of Governors:

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Signature of Headteacher:

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APPENDIX 1 (Extract from Safeguarding and Child Protection Policy 2021)

6.4 Allegations against member of staff - Actions to be taken

1. As a Governing Body we are aware of our duties under Part Three and Part Four, Keeping Children Safe in Education 2021 – safer recruiting and managing allegations made against teachers, other staff, including supply teachers and volunteers.
2. As a Governing Body we are aware of the new guidance within KCSiE 2021, para 406, Concerns that do not meet threshold. See Section 8 below.
3. We recognise that our duties relate to members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place.
4. We are aware of our responsibilities in respect of supply teachers, as outlined in paragraph 268-271 of Keeping Children Safe in Education 2021.
5. We are aware that allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.
6. We will ensure that there are procedures in place to effectively manage allegations against all staff members.
7. We will train our staff to enable them to raise concerns and, as a school, we will follow the guidelines outlined in Part 4 of Keeping Children Safe in Education 2021.
8. Our school will refer cases to the Local Authority Designated Officer (LADO) where a member of staff, supply or agency staff or volunteer has, either inside or outside of school:
 - i. behaved in a way that has harmed a child, or may have harmed a child;
 - ii. possibly committed a criminal offence against or related to a child;
 - iii. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
 - iv. behaved or may have behaved in a way that indicates they may not be suitable to work with children.
9. All such cases, and in cases of any doubt as to whether the matter reaches threshold for an allegation, advice and guidance must be sought from the LADO BEFORE any internal investigation begins.

6.5 Whistleblowing / Confidential reporting

We will ensure that all staff members are aware of their duty to raise concerns, where they exist, about the actions or attitudes of colleagues. If necessary the member of staff can speak with the headteacher, the chair of governors or with the LADO.



We will ensure staff should be aware of and know how to access West Sussex Confidential Reporting Policy, [accessed here](#) and that further assistance for staff to raise concerns can be accessed by calling the NSPCC whistleblowing helpline on 0800 028 0285.



Policy Review Form

Please complete this section when reviewing and updating this document.

Author	Name Karla Strong	Date November 2015
Reviews	Name Karla Strong Karla Strong Karla Strong	Review Period: 2 years March 2018 January 2020 February 2022
Information Source	Name Dealing with allegations of abuse against teachers and other staff Statutory guidance for local authorities, Headteachers, school staff, governing bodies and proprietors of independent schools	Date October 2012
Change Control	Sections Amended Adaptation to 'alleged' bullet points under 'Purpose'. Pg 4 updated investigation procedure with timescales. Pg 5 change of title to 'Confidential and Whistleblowing Policy' Appendix 1 – added Updated LADO details Updated LADO details Updated CP Policy extract	Author & Date KS - March 2018 KS - January 2020 KS - February 2022