



St Johns CE Primary Academy

Allegations Against Staff Policy

Author: Helen Jackson

Date of issue: September 2017

Review date: September 2018

Key Personnel

Head Teacher: Sarah Cockshott

Chair of Governors: Fr Roger Gilbert

Policy Review

This policy will be reviewed in full by the Governing Body on an annual basis.

The policy was last reviewed and agreed by the Governing Body on 23.9.2015

It is due for review on 21.9.2016 (up to 12 months from the above date).

Signature

Date

Head Teacher

Signature

Date

Chair of Governors

SAFEGUARDING AND PROMOTING THE WELFARE OF CHILDREN

Section 175 of the Education Act 2002 places a duty on local authorities and the governors of maintained schools to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Section 157 of the same act and the Education (Independent Schools Standards) (England) Regulations 2003 require proprietors of independent schools (including academies) to have arrangements to safeguard and promote the welfare of children who are pupils at the school. "Keeping Children Safe in Education" was issued to schools in 2014 detailing statutory guidance, placing a duty on schools to promote the welfare of children. In March 2013, the definition of safeguarding children was revised in the document "Working Together to Safeguard Children" to the following:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

Safeguarding children is consequently more than contributing to the protection of individual children and the school is committed to the development of policy and practice that supports children and their families to be safe, healthy, enjoy and achieve, contribute positively and achieve economic wellbeing

St. John's C of E Primary Academy strives to promote the welfare of our pupils by:

1. Creating and maintaining a safe learning environment.
2. Identifying child welfare concerns and taking appropriate action.
3. Using the curriculum to enable our children to develop keep safe strategies
4. Operating safe recruitment and selection procedures to prevent unsuitable people working with our children.

The school has a suite of policies designed to meet these needs and are available on request or via the school website.

This policy applies mostly to points 1, 2, 3 and 4 above and reflects current legislation, accepted best practice and complies with Government guidance: *Working together to Safeguard Children (2013)* and *Keeping Children Safe in Education 2014*

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1. Introduction

At St. John's C of E Primary Academy we strive to be inclusive, to meet the needs of all students and to treat all students, parents, staff and members of the wider community with equal respect. We celebrate diversity and actively work to create a cohesive community. Our safeguarding policies are designed to promote this ethos and to create clear systems for any stakeholder with a complaint.

St. John's C of E Primary Academy is committed to promoting the welfare of both its pupils and staff and takes any allegations of abuse against a member of staff (teaching or non teaching) volunteer (is it worth mentioning visiting staff or will this complicate things??) or governor extremely seriously.

It is essential that our pupils, their families and staff feel comfortable and confident to raise concerns about the conduct of a member of staff and that their concerns will be dealt with and investigated robustly.

This policy is designed to ensure that all staff, pupils, parents and carers are aware of the procedure that has to be followed in the event of an allegation being made to ensure that all complaints are dealt with as consistently and effectively as possible.

Any person working for the school in a paid or unpaid capacity holds a position of trust both during the school day and in the role as an ambassador for the school in their private lives. The school will ensure that any concerns raised about the conduct of a member of staff outside of school hours in considered as a transferrable risk and managed in line with this policy.

The school will ensure that it recognises and respects the individual needs of staff, children and their families in relation to age, disability, ethnicity, gender, religion and belief, sexual orientation and culture but that this will never prevent the school implementing the Allegations Against Staff policy when required.

2. Legal Framework

The Department for Education (DfE) has issued statutory guidance in 2012 to Head Teachers and Governing Bodies in the document "Dealing with Allegations of Abuse Against Teachers and Other Staff" (This guidance is no longer available on the DfE Website and is now incorporated the new Keeping Children Safe in Education 2014) The guidance is intended for all schools and governing bodies and sets out the role and responsibilities of all those involved in the Position of Trust process.

This guidance relates to the following legislation and statutory guidance

- 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
- Children Act 2004;
- Section 11 of the Children Act 2004 (other agencies);
- Sections 141F, 141G and 141H3 of the Education Act 2002
- “Keeping Children Safe in Education” 2014
- “Working Together the Safeguard Children” 2013

3. Purpose of the Policy

This policy must be followed in all situations where concerns have been raised about the conduct of a member of staff or volunteer. Any ensuing enquiries will take into consideration the situation and circumstances surrounding the allegation and, where appropriate, the school child protection and safeguarding policy or complaints policy will also be implemented.

This policy will be used where it is alleged or suspected that a member of staff (or volunteer) 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; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

All allegations will be dealt with as quickly as possible to:

- Minimise the risk to children (individual or group)
- Minimise the impact on a child’s educational
- Ensure a fair and thorough investigation for all parties involved.

4. Reporting a concern

Every member of staff has a statutory responsibility to report all concerns about the welfare of children. Failure to report a child protection concern may require consideration in line with this policy.

Any child making a disclosure that they have been harmed by a member of staff will be listened to and all concerns about the conduct of a member of staff, in or out of work, must be reported to the

Designated Safeguarding Lead who will liaise with the head teacher (who is responsible for making initial enquiries in relation to allegations). If the head teacher is absent, the Sandwell LADO should be contacted on 0121 569 4770.

If the concern is about the head teacher then the Chair of Governors should be contacted. They will then make initial enquiries, as detailed below, and liaise with the LADO.

If a child is disclosing the concerns under no circumstances should they be asked to make a written account of their disclosure as this will constitute a written statement and may compromise further enquiries that need to be made. They should never be offered confidentiality and clearly be informed that the information they share will need to be passed on.

When staff are concerned about the conduct of a colleague it is acknowledged that this can be a difficult position to be in but it must be remembered that the welfare of the child is the paramount concern and their concerns must be reported immediately. Learning from a serious case review has highlighted that this is a priority to safeguarding children and young people.

Under no circumstances should the person against whom the allegation has been made be informed of the concerns. This will be managed by the Head Teacher (or where an allegation has been made against the Head Teacher – the Chair of Governors) following consultation with appropriate persons.

It is the duty of the employee to notify the employer of any changes in circumstances that may be disclosed on a future DBS Check. Failure to do so may result in the consideration of disciplinary action

5. External Investigation

Once the Head Teacher or Chair of Governors has been informed of the concern they will consider whether the allegation constitutes the criteria defined above.

If the criteria apply, the Local Authority Designated Officer (LADO) will be contacted to discuss the concern on 0121 569 4770. The LADO will be informed of all known information regarding the allegation, the child, and the person against whom the allegation has been made.

The LADO may consider a Position of Trust meeting will be required. Present at this meeting will be school representation (Head Teacher/Chair of Governors), human resources, police, social care, health and any other relevant persons as defined by the LADO as the Chair of the Position of Trust meeting.

A decision will then be made whether:

- An investigation is required by police and children's social care under the Sandwell Inter-Agency Child Protection Procedures
- An investigation is required by police under criminal law.
- The matter is passed back to the academy/school for consideration if an investigation is required by the school in line with disciplinary procedures
- No further formal action is required

The school will cooperate fully with any ensuing investigations undertaken by police or children's social care.

6. Disciplinary Investigation

The disciplinary procedures must not interfere with any child protection investigation.

Once it is agreed by the Position of Trust meeting that the matter is passed to the academy/school for consideration as to whether or not to undertake an internal investigation consideration should be given to the implementation of the disciplinary procedures. The head teacher/chair of governors should consult with human resources prior to making a decision.

A decision may be taken by the academy/school not to proceed with a disciplinary investigation. The Head Teacher/Chair of Governors should liaise with their HR advisor for advice regarding what information, if any, should be relayed to the employee. It may also be appropriate that the employee has a representative from their professional body present.

The Head Teacher/Chair of Governors should give full consideration as to who is appropriate to conduct the investigation giving consideration to all information and appropriate HR advice.

The disciplinary investigation should be carried out following the principles of fairness, reasonableness and natural justice based on the available evidence.

If a child protection or criminal investigation has been undertaken, appropriate children's social care, appropriate police authorities or LADO will advise on the release of material gathered in those investigations and whether they can be used in disciplinary hearings.

If the decision is taken to proceed with a disciplinary investigation the employee should be informed, in writing, as required under the disciplinary procedure. A meeting should take place to confirm this with the employee and their professional body representative following HR advice.

Any outcome of a disciplinary investigation will be fed back to the LADO.

Parents/carers of any children involved will be informed that due process has been followed and completed.

7. Suspension

Suspension is a neutral act which can protect the interests of both parties and is not an assumption of guilt.

Suspension is not an automatic assumption. The school will only use this sanction after careful consideration of the full facts which include:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

It is often possible to make alternative arrangements so that any individual who is subject to an allegation can continue to work. Alternatives could be providing a classroom assistant to be present to support the member of staff, change of duties so that there is not direct contact with the individual child/children or a leave of absence.

A suspension is only usually considered if it is decided that:

- A child or children would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded

The head teacher and chair of governors hold the power to suspend an employee but will take into consideration advice from the police, children's social care, human resources or the LADO whether a

suspension is required. If the Head Teacher deems suspension to be appropriate they should inform the Chair of Governors.

Where a suspension is necessary, the employee will be informed they need to attend a management meeting and of their right to be accompanied by their professional representative. Written confirmation of the suspension along with the reason will be provided within three days of the suspension meeting.

Any member of staff who is subject to an allegation should be encouraged to seek advice from the professional body at the earliest opportunity.

A suspension can only be ended by the Chair of Governors.

8. Supporting Parties involved in the Allegation

The person making the allegation (and their parents/carers if it is a child/young person)

Parents and carers will be notified by the school if their child makes or is involved in an allegation against a member of staff (if they are not already aware). If Police or social care need to be involved they will be consulted prior to parents/carers being informed.

If an investigation is required (external or internal), parents/carers will be kept up to date regarding its progress by an identified key contact.

Support will be offered to any child involved in an allegation against a member of staff. If police or children's social care are involved they will guide the school on support that can be offered.

The employee

St. John's C of E Primary Academy has a duty of care to its employees and, in the event of an allegation being made, will endeavour to minimise the impact and allegation or ensuing process may have on a member of staff.

The member of staff who is subject to an allegation will be informed as soon as is practicable by the head teacher once advice is sought from the LADO about the nature of the allegation and any further

enquiries that may be required. The member of staff will be informed of the course of action to be taken in line with advice given.

An appropriate contact will be identified to liaise with the member of staff who is subject to the allegation regarding the progression of the case and any other work related issues. If the member of staff has been suspended, they will be kept informed of any developments as identified in the suspension letter. It is always advised that if the member of staff is a member of a professional association that they should seek advice from that body at the commencement of any investigation.

If the member of staff requires additional support the school will consider who is best to offer this. If police or children's social care are undertaking any investigations, advice will be sought if support is to be offered.

9. Confidentiality

St. John's C of E Primary Academy will make every effort to guard the privacy of all parties involved both during and after an investigation. Confidentiality is in the best interest of all parties involved to ensure a fair and swift investigation.

Any breaches of confidentiality will be taken seriously and will be referred accordingly for the consideration of any investigations in its own right. Following DfE guidance it must be remembered that it is a criminal offence to release information that leads to the identification of an individual who is subject of an allegation before they are formally charged or summoned to court.

10. Resignations and Settlement Agreements

If an employee hands in their resignation following an allegation being made or at any stage of an investigation, the investigation will still continue until an outcome is secured with or without their cooperation. Any member of staff who is subject to an allegation will be given the opportunity to answer that allegation and make representations about it.

Settlement agreements will not be used in situations when this procedure has been implemented.

11. Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person against whom the allegation has been made. 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.
- Provide clarification in cases where future 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. Allegations that are malicious or unsubstantiated will not be used in employee references. Advice should be sought from human resources before the disclosure of any information relating to allegations against staff in relation to employment references.

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

12. Action on Conclusion of the Case

If the conclusion of any investigation results in the dismissal or resignation of a member of staff and they have been charged with a criminal offence an immediate referral must be made to the Disclosure and Barring Service. For teachers a referral may also be made to the National College for Teaching and Leadership in relation to professional misconduct. The school will seek advice from the police, social care or human resources in these situations.

If the member of staff is to return to school following a suspension a reintegration programme will be put into place by the school to ensure a smooth transition. If any child who was involved in the allegation is still attending school consideration will need to be given about the management of contact between the child and employee.

If, during the course of an investigation, it is proven that an allegation is false then the school must give consideration to accessing appropriate support for the child to ensure they are given the opportunity to express whether the allegation was made as they are being harmed elsewhere.

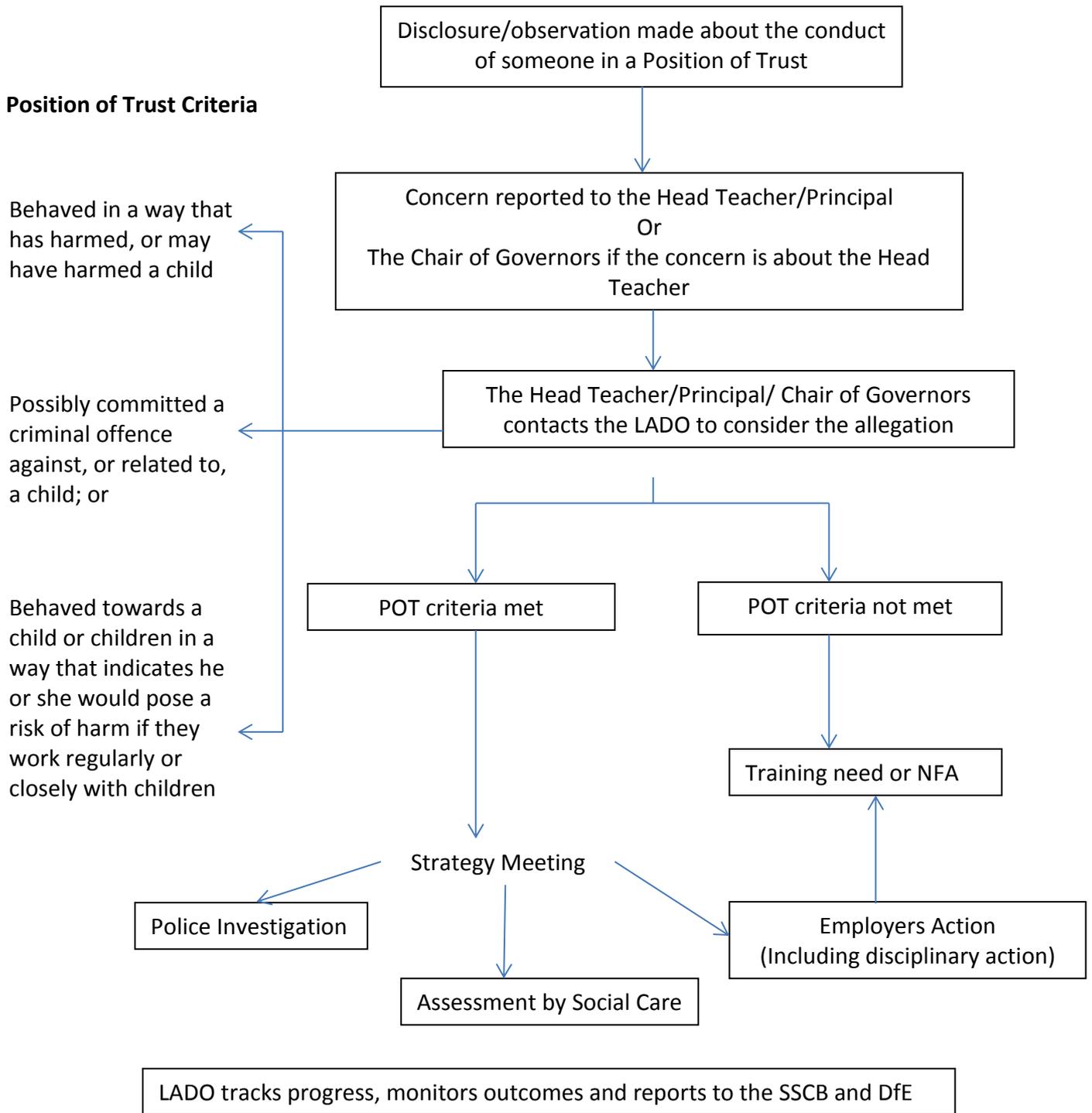
If an allegation is found to be malicious and made by a pupil the head teacher will decide what sanction will be used, this is further detailed in the school's behaviour policy. The school has the power to suspend or exclude pupils in these circumstances or, if it is thought that a criminal offence has been committed, refer the case to the police for consideration.

13. Following an Investigation

It is the policy of the school to complete a table top review of policy and practice following any significant incident. Any changes to policy and practice will be communicated to the whole school community accordingly.

Position of Trust Flowchart

APPENDIX A



Governors' role and responsibilities	
Role	<ul style="list-style-type: none"> • Promote the wellbeing and ensure the safeguarding of all pupils in school • Ensure the school carries out both the letter and the spirit of the legislation and statutory duties, and observes national and local guidance in relation to Allegations Against Staff • Provide leadership to ensure the development, implementation and regular review of the Allegations Against Staff policy • Appoint the Chair to act in situations where an allegation is made against the head teacher • Support the head teacher in the management of allegations against staff as required.
Policy development and implementation	<ul style="list-style-type: none"> • Make safeguarding a regular item at governor meetings to keep up to date with the schools work in safeguarding areas • Publish and keep under annual review the Allegations Against Staff policy • Review the policy in consultation with pupils, parents/carers and staff and ensure that it is informed by, and responsive to, their experiences • Ensure the annual completion of data reports for SSCB • Ensure that the school makes use of monitoring data and understands its implications for the development of policies, procedures and practice • Provide leadership to ensure a consistent response to all allegations against staff • Ensure the development and publication of a complaints procedure • Record, investigate and respond to any complaints from parents/carers or the wider community related to the school's response to allegations against staff.
Behaviour	<ul style="list-style-type: none"> • Provide an appropriate and consistent role model for all staff, pupils and the wider school community • Celebrate and share examples of good practice from the school among individual staff and pupils and other relevant agencies

Headteachers and senior staff with key responsibilities

<p>Role</p>	<ul style="list-style-type: none"> • Build and maintain a school ethos which is welcoming, supportive and inclusive of all pupils, parents/carers and staff • Promote the wellbeing and ensure the safeguarding of all pupils in the school • Provide support for the governors through the development and implementation of an effective Allegations Against Staff policy • Ensure the voice of pupils, staff, parents and carers is heard and communicated to governors
<p>Policy development and implementation</p>	<ul style="list-style-type: none"> • With the advice and guidance of governors and through consultation with staff, pupils, parents/carers and other stakeholders, develop, implement and review the Allegations Against Staff policy and procedures • Ensure the policy includes references to age, disability, ethnicity, gender, religion and belief, sexual orientation, culture and any other local issues appropriate to the school context • Ensure the effective communication of the policy to all pupils, staff and stakeholders • Ensure that pupils, staff, parents/carers and other stakeholders are involved in the creation of a positive school ethos • Ensure that the school's Allegations Against Staff policy and related practice is complied with consistently and effectively • Make sure that effective monitoring procedures are developed, operated and maintained • Ensure all staff (including support staff) regularly receive appropriate training to enable them to understand Allegations Against Staff principles and how to keep themselves and children safe. • To ensure that all staff know how to respond to Allegations Against Staff. • Develop and implement a system for recording Allegations Against Staff which staff know and use consistently • Ensure that appropriate support systems are in place to respond to allegations against staff • Provide structures and systems that respond effectively to pupils' views and ensure that all staff, pupils and other stakeholders are supported to participate in the review of the Allegation Against Staff policy • Ensure evidence of the impact of the Allegations Against Staff policy and practice is reflected in the SES
<p>Behaviour</p>	<ul style="list-style-type: none"> • Celebrate and share the anti-bullying work of the school and its pupils and highlight good practice • Act as appropriate role models for all managers, staff, parents and pupils • Respond appropriately to stakeholder consultation and make sure suggestions, opinions and concerns are included in policy review involving external agencies as appropriate to respond to incidents

All teaching and support staff

Role	<ul style="list-style-type: none"> Contribute to building and maintaining a school ethos which is welcoming, supportive and inclusive of all pupils and staff Promote the wellbeing and ensure the safeguarding of all pupils in school Behave with respect and fairness to all pupils, carrying out the letter and spirit of the Allegations Against Staff policy
Policy development and implementation	<ul style="list-style-type: none"> Observe and implement the school's allegations against staff policy and practices including contribution to the keeping of relevant records of incidents Contribute to consultations, reviews and impact assessments as required Develop and support curriculum opportunities to promote keep safe strategies for children.
Behaviour	<ul style="list-style-type: none"> Provide a consistent response to concerns which constitute an allegation against a member of staff Take part in relevant professional development and maintain awareness about their role and responsibilities in relation to allegations against staff Model positive attitudes and relationships Promote a positive view of difference and challenge prejudice and stereotypical views both through classroom practice and by modelling the behaviour and values they are trying to instil Raise issues with line managers which could contribute to policy review and development

Pupils

Behaviour	<ul style="list-style-type: none"> Report any concerns relating to the conduct of a member of staff, both in school and online, whether directed at themselves or at somebody else With the help of staff and parents/carers, create a positive working atmosphere within school Respond to requests for information, opinions and suggestions to help improve the safeguarding work of the school Actively support appropriate school's peer support systems
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Parents/carers

Behaviour	<ul style="list-style-type: none"> Demonstrate positive support for the school's allegations against staff policy Model appropriate behaviour at all times within the school grounds Report to the school any concerns about the conduct of members of staff both in school, online and in the community. Support work undertaken by the school to promote equalities, celebrate difference and challenge discrimination Respond to requests from the school to provide feedback on the allegations against staff policy.
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