



## **Allegations Against Staff Policy**

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## 1. POLICY STATEMENT

- 1.1 Within this policy 'we' and 'us' means the School.
- 1.2 We recognise that any allegation is serious and needs to be dealt with in a sensitive, efficient, fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. It is also important that those with responsibilities described in this procedure act without delay. All parties involved are likely to be distressed. Any disruption to the normal running of the School should be minimised.
- 1.3 We are clear that in the event of an allegation being proven false or malicious, there may follow the immediate permanent exclusion of the student making the allegation, should they have made the allegation.

## 2. APPLICATION

- 2.1 This applies to all staff, students, visitors and Governors of the School and contractors, volunteers and agency staff working within the School.

## 3. WHO IS RESPONSIBLE FOR CARRYING OUT THIS POLICY

- 3.1 The implementation of this policy will be monitored by the Governors of the School.

## 4. PRINCIPLES

- 4.1 This policy provides the steps to take where there is an allegation of abuse against a member of staff in relation to a School student or child. The process described in this document is intended for use with all staff. In this procedure, the term 'parents' means all those having parental responsibility for a child.

## 5. PROCEDURE

- 5.1 The Headteacher will designate a Designated Safeguarding Lead (DSL) for each School. The Headteacher shall advise the Governors and all members of staff of the name of our DSLs and inform them of any changes.

## 6. RECEIVING AN ALLEGATION

- 6.1 All allegations of abuse made against a person defined in paragraph 2.1 in relation to a student must be reported to a senior leader appointed by the Headteacher.
- 6.2 The senior leader must make a written record (timed and dated) of what has been reported. If possible, the allegation should be written by the student, or the person to whom the allegation was first made.
- 6.3 Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.
- 6.4 The senior leader must not discuss the allegation with the accused person prior to reporting the matter to the Headteacher.
- 6.5 In the event of the allegation being made against the Headteacher, the senior leader is responsible for reporting the allegation to the Chair of Governors, who will undertake the role assigned to the Headteacher throughout this procedure.

## 7. HEADTEACHER'S INITIAL CONSIDERATION OF AN ALLEGATION

- 7.1 The Headteacher, in consultation with the senior leader, should decide whether any enquiries are necessary in order to determine whether or not to refer the matter to Children's Services (the LADO) or the police. The Headteacher and the senior leader should consider what information needs to be gathered and how it is to be obtained. Staff or students must not be interviewed until advice has been sought. Third parties within the School may be asked, but not required, to write an account of their direct experience in relation to the allegation.
- 7.2 Where the Headteacher considers that a referral might be warranted under safeguarding procedures, the matter must be referred to the LADO without delay. Any alleged physical injuries must be investigated by the appropriate external agencies.
- 7.3 The Headteacher may seek advice from appropriate agencies. These agencies include Children's Services, the Department for Education, the police, and our HR advisors.
- 7.4 At this initial stage, the Headteacher, in consultation with any external agencies, should decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.

7.5 If the Headteacher decides to refer an allegation to the Children's Social Care and/or the police, any internal School enquiries should be held in abeyance until the Social Care / LADO /police have indicated that they have no further involvement.

**8. IF AN EXTERNAL REFERRAL IS DECIDED UPON**

8.1 The senior leader should contact the LADO at the Social Care office or the police, as appropriate, to report the allegation.

8.2 The senior leader should discuss with the Duty Officer what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.

8.3 The Headteacher should inform the Chair of Governors that an allegation relating to a member of staff has been referred. At this stage, the Headteacher should not describe the circumstances of the allegation to the Chair of Governors.

8.4 The Headteacher should prepare a standard response to queries by parents and the media. This response must be agreed by the Communications Team at Peterborough County Council. The response should indicate that:

- the matter is governed by procedures which the Headteacher is obliged to follow;
- the matter is in the hands of the appropriate agencies and no further comment can be made;
- no names can be given for public use.

8.5 When inter-agency discussions take place, it is essential that the senior leader or a substitute attends.

8.6 When the appropriate agencies have completed their procedures, the Headteacher may decide that an internal investigation should be carried out to establish whether or not our disciplinary procedure should be invoked. Any disciplinary investigation conducted by us must follow our disciplinary procedure. Interviews with children should be kept to a minimum.

## 9. IF AN EXTERNAL REFERRAL IS NOT MADE

9.1 An external referral would not normally be made when the Headteacher is satisfied that children are not at risk of significant harm or that a reportable criminal offence has not been committed.

9.2 An internal investigation should be carried out to establish the circumstances. If the Headteacher decides that disciplinary action may be appropriate, our disciplinary procedure should be invoked. Any disciplinary investigation conducted by us must follow our disciplinary procedure. Interviews with children should be kept to a minimum.

## 10. SUSPENSION OF STAFF

10.1 Suspension should not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. Where there is any doubt the LADO must be contacted for advice. All options to avoid suspension should be considered prior to taking that step, using the EPM Suspension Risk Assessment tool. Suspension is not a disciplinary action.

10.2 The decision on suspension is for the Headteacher to take with advice from our HR providers. Where external agencies are involved, any decision on suspension should be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, potential criminal proceedings and the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.

10.3 Staff who are suspended should receive written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension. Staff should be advised that a designated senior leader is their point of contact. Staff who are suspended should also be advised to contact their teacher association, trade union or other professional body.

## 11. ROLE OF THE GOVERNING BODY

11.1 Members of the Governing Body will not normally become involved in child protection inquiries involving members of staff, unless the Governor is subsequently requested to participate under our disciplinary procedure.

## 12. RECORD KEEPING

12.1 The senior leader is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.

12.2 The senior leader should also ensure that a record is maintained of the process followed in handling the allegation. The Headteacher should verify the accuracy of that record.

12.3 These records must be stored securely.

## 13. SUPPORTING THOSE INVOLVED

13.1 Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should 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 should 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 where this is provided by the employer.

13.2 The senior leader should 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. 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 should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

13.3 Parents or carers of a child or children involved should 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 police or children's social care services need to be involved, the senior leader should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case.

13.4 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.