

Kingsdown Secondary School

Policy For Dealing With Allegations of Abuse Against Staff

Date policy reviewed: February 2016
Annual Review date: February 2017

**Allegations against Staff should be reported to The Head of School:
Yusif Assim**

**Allegations against the Head of School should be reported to the Chair of
Governors: Gordon Smith**

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Policy Statement

Kingsdown secondary School is committed to providing the highest level of care for both its students and staff. It is extremely important that any allegations of abuse against staff or volunteers 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.

This policy is in line with statutory guidance from the Department of Education (Keeping Children Safe in Education July 2015 and 'Working together to Safeguard Children 2015.')

1. Procedural Guidance

This guidance is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of staff in a school (including a volunteer, or person with expressed permission to be on the premises) 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;
- Behaved towards a child or children in a way that indicates he or she is unsuitable to work with children/ pose a risk of harm to children.

2. Principles of this guidance

The School recognises the importance of having procedures for dealing with allegations, and seeks to give all staff and volunteers an understanding of what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.

This procedure and guidance should make it clear that:

- All allegations should be reported as soon as they become apparent – in the first instance to the Headteacher or in the case of the Headteacher reported to the Chair of Governors.
- All School staff will maintain **confidentiality**, and every effort will be made to guard against unwanted publicity. The School will not publicise information regarding the allegation. If staff are contacted by the media they will refer all enquiries to the Headteacher.
- It is in everyone's interest to resolve cases as quickly as possible.
- Investigations will be fair and thorough.
- The fact that a person tenders his or her resignation, or ceases to provide their services, **must not prevent an allegation being followed up in accordance with these procedures.**

3. Application

This procedural guidance applies to all members of staff at the School including those with expressed permission to be on the premises. The Headteacher will normally have overall day-to-day responsibility for dealing with allegations of abuse.

Where the Headteacher is accused or a concern is identified, this shall be the responsibility of the Chair of Governors. In the event that an allegation or concern is raised against a member of the Governing Body, advice should be sought from the Governor Services provider for the School.

4. Consideration of an allegation

An allegation may require consideration from any of the following inter-related perspectives:

1. A police investigation of a possible criminal offence;
2. Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services; this can be in respect of
 - a) the child on whom the allegations centre;
 - b) any other children the alleged perpetrator has contact with;
 - c) the alleged perpetrator's own children;
3. Consideration by the School of disciplinary action in respect of the individual;
4. Complaints Procedures – consideration by the School via a parent in respect of an individual.

Some cases will also need to be reported to the DBS (Disclosure and Barring service) for consideration of including the person on the barred list.

It is important to ensure that even allegations that appear less serious are followed up and taken seriously, and that someone independent of the School, examines them objectively. **As a consequence, the Local Authority (designated officer/team will be informed immediately of all allegations that come to the School's attention.**

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The LA designated officer(s) will discuss the allegation with the Headteacher (or Chair of Governors) to confirm details of the allegation and establish that it is not demonstrably false or unfounded. This information sharing will be, in the first instance, on an informal basis.

The LA designated officer and the Headteacher will make an informed decision regarding the necessity of any further action: For example if there is a need for a formal strategy meeting, who needs to be made aware of the allegation i.e. Chair of Governors, parents or the accused. Each case brought to the LA designated officer may be different and therefore may result in a different process taken. If there is cause to suspect that a child is suffering or is likely to suffer significant

harm, or a possible criminal offence might have been committed the LA designated officer will immediately request that a strategy meeting should be convened straight away.

The Headteacher, after discussion with the LA designated officer, should inform the member of staff concerned about the allegation as soon as possible. Where a strategy discussion is needed, or police or children's social care may need to be involved, the Headteacher will be advised not to do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.

5. Strategy Meeting

The Local Safeguarding Children's Board, (LSCB) strategy meeting will be convened when an allegation is made against an individual who works with children in accordance with the statutory guidance '**Working together to Safeguard Children 2015.**'

This meeting will include senior representatives from Health, Police, Children, Families and Learning Directorate, Human Resources, Legal Services as well as the Headteacher or the line manager of the accused.

The meeting will be scheduled, as necessary, normally within **3 working days**. The strategy meeting will focus on the suspected or actual risk to children posed by the adult about whom there are concerns or allegations made. In a strategy discussion or the initial evaluation of the case, the agencies concerned will share all relevant information they have about the person who has made the allegation and about the accused member of staff. An agreement will be reached in the strategy meeting regarding who will carry out an investigation and how this will take place, if it is deemed necessary. This will include consideration of the need to undertake: -

- a) A child protection investigation
- b) A criminal investigation
- c) A fact finding or disciplinary investigation
- d) A fact finding under the complaints procedure

Considerations will be given to whether the accused member of staff needs to be suspended from contact with children. Considerations will be given, if necessary, to the relevant support mechanisms, for the child or children and the accused member of staff. **Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the School to take action in line with the School's Disciplinary Procedures. Review dates will be scheduled to monitor the progress of the case.**

6. Support for those involved

The Headteacher will inform the parents or carers of a child or children involved about the allegation (if they are not already aware of it) as soon as possible **after discussing the allegation with the LA designated officer.**

The parents should also be kept informed by the Headteacher about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

N. B. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome. The content and discussion may be agreed between the Headteacher and the LA delegated officer.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

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

The Headteacher will also keep the accused member of staff informed of the progress of the case and consider what other support is appropriate for the individual. A criminal investigation may result in communication directly from the police. The LA designated officer will discuss with the Headteacher how best to inform the individual of any updates.

In cases where the adult is unaware of the concern or allegation it may not be appropriate to tell them immediately and may prejudice a potential police investigation.

7. Suspension

At any stage throughout the process, the accused member of staff may be suspended, without prejudice, on full pay from work, whilst further investigations take place. This may occur where for example:

- a. There is a cause to suspect a child is at risk of significant harm
- b. The allegation warrants investigation by the police
- c. The allegation is so serious that it might be grounds for dismissal.

Suspension should not however be a default option. The Headteacher should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. If suspension is determined, the School's Disciplinary Policy should come into action and **HR advice should be sought.**

9. Conclusion of a case

The following definitions will be used when determining the outcome of allegation investigations:

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **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.

The outcome of the process will be shared with the parents of the child or children concerned after taking advice from the LA designated officer.

The employee will be made aware of the outcome and any action points agreed as a result of the investigation.

The LA designated officer(s) will discuss with the Headteacher whether the Children's Services Authority will make a referral to the DBS particularly where an individual is dismissed from their post. Where, on conclusion of an investigation, it is decided, that a person who has been suspended can return to work, the Headteacher will consider how best to facilitate that and there may be recommendations in relation to additional support, monitoring or training. Any pertinent points from the investigation will be shared with the Chair of Governors in order to facilitate an action plan.

Following any disciplinary action, a comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file at the School, a copy of which will be provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

Information will also be held on a database that can only be accessed by the LA designated officers. The database will provide clarification in cases where a future DBS check reveals information from the police about an allegation that did not result in a criminal conviction. This course of action will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will show what action was taken, and if appropriate that the allegation was unfounded. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation whichever is longer.

Compromise agreements will not be considered and even if an individual resigns it will not prevent a full and thorough investigation.

10. False Allegations

Where an allegation by a student is proven to be false, we will refer the student 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.

11. Malicious Allegations

Staff

Malicious allegations will be removed from school records.

For all other allegations, a clear and comprehensive summary of the allegation, details of how the allegations was followed up and resolved, and a note of any action taken and decisions reached will be shared with the employee and kept on file until retirement or for 10 years from the date of the allegation.

Allegations found to have been **malicious** or **unsubstantiated** will not be referred to in employer references.

The student

Following a malicious allegation the student, with the parent/carer, will be required to meet with the Head Teacher (or if the Head Teacher was the victim of the malicious allegation, a member of the Governing Body) in order to discuss the implication of the malicious complaint and to decide whether the student can retain his place at Kingsdown School. Should the decision be that the place is untenable, the Head teacher, or the representative of the Governing Body, will recommend a permanent exclusion.

Non Students

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

12. Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

13. Confidentiality

All allegations will be treated seriously and with discretion. We will make every effort to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered.

A new provision came into force on 1st October 2012 regarding the anonymity of teachers subject to allegations of a criminal offence made by, or on behalf of, a registered pupil at the school.

Information cannot be reported that could lead to the identification of a teacher subject to an allegation of a criminal offence made by, or on behalf of, a registered pupil at the school.

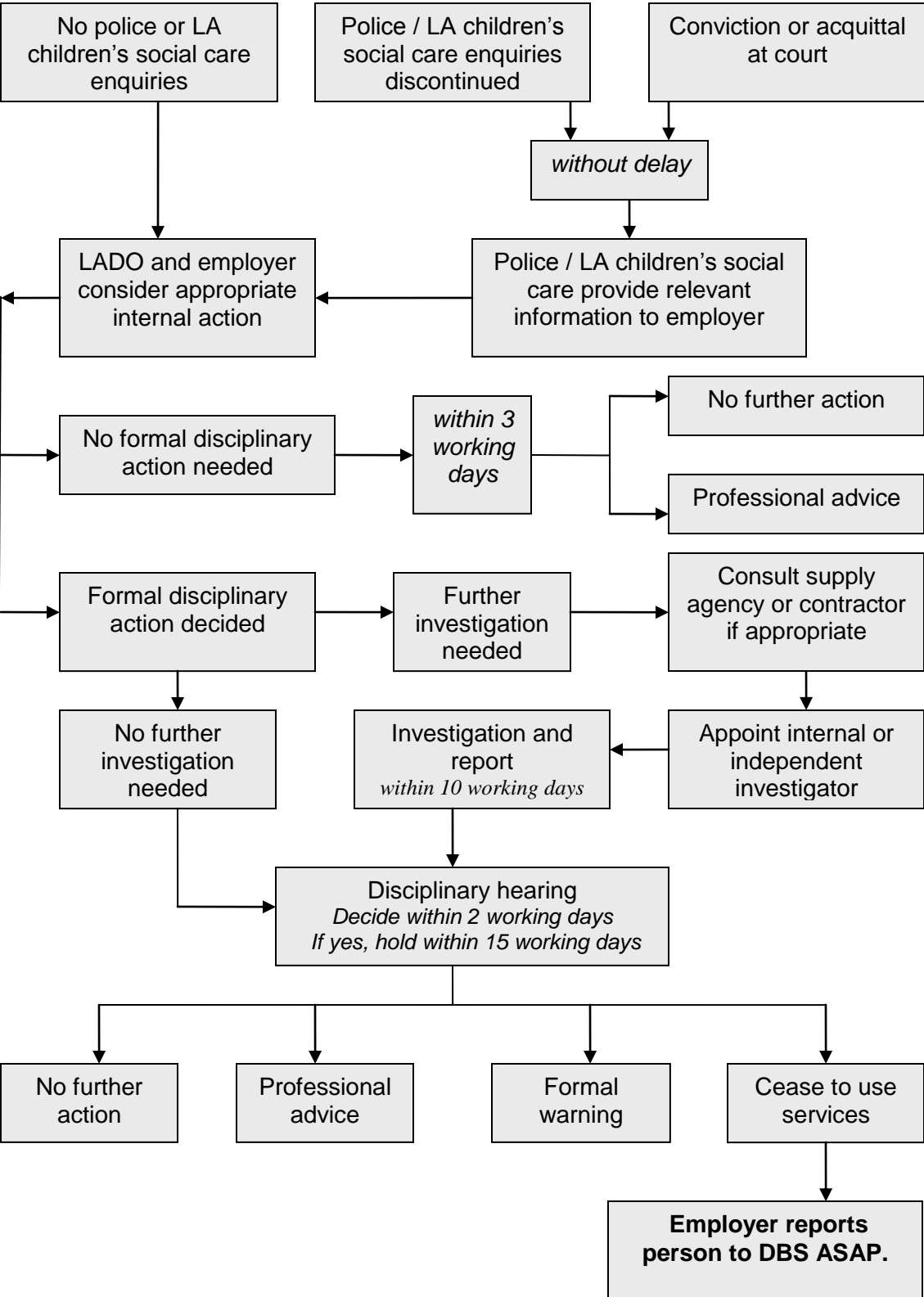
These restrictions apply to everyone involved in the case. Pupils, parents, the police and the media are prevented from publicizing allegations prior to a criminal charge being made. Postings are also prohibited on websites.

According to the Education Act 2011, reporting restrictions last up until the accused is charged with an offence, or until The Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from an allegation.

The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving written consent for another to do so.

Proceedings and records in connection with the allegation will be kept as confidential as possible, but employees must appreciate that formal investigations cannot always be kept on an entirely confidential basis.

**ALLEGATIONS / CONCERNS AGAINST STAFF
DISCIPLINARY / SUITABILITY PROCESS**



ALLEGATIONS / CONCERNS AGAINST STAFF CHILD PROTECTION PROCESS

