



Allegations of Abuse against Staff Policy

Approved by FGB

January 2019

Next Review date:

January 2022

Allegations of Abuse against Staff

1. Introduction

All schools are under an absolute duty to promote and safeguard the welfare of children at the school, and to have regard to guidance issued by the Secretary of State in doing so.

The Federation of St Anne's and St Martin's Catholic Primary Schools take this responsibility seriously, and therefore will ensure that any allegation of abuse made against a teacher or other member of staff or volunteer in the schools is dealt with fairly, quickly and consistently in accordance with the DfES guidance. (KCSIE 2018)

This procedure must be used in any case where it is alleged that a teacher, other member of staff or volunteer at the schools has:

- Behaved towards a child or children in a way that has harmed 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 that s/he is unsuitable to work with children

This policy also has links to the schools:

- Safeguarding Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Health and Safety Policy

All members of staff (including volunteers) in the Federation will be made aware of this policy during induction.

2. How Concerns Arise

Concerns about the possible abuse of children by staff will usually arise in one of two ways either:

- A direct allegation by a child/young person or a third party, for example a parent

- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially /actually abusive

In either case the concern **MUST** be recorded and reported to the Executive Headteacher immediately unless the allegation is about the Executive Headteacher in which case it must be reported to the Chair of Governors.

If the Executive Headteacher is absent the allegation should be reported to the Head of School and in their absence, a deputy designated safeguarding lead.

At St Anne's the deputy DSLs are Sarah Bernto, Gemma Burnitt and Gabrielle Tuggey.
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At St Martin's the deputy DSLs are Sarah Bernto, Chloe Jenkins and Lee Silk.
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As this is a statutory duty, we expect all members of staff in the schools, where they have concerns, to report them in accordance with this policy.

3. Initial Action

The Executive Headteacher or Chair of Governors will ensure that they have a full understanding of what is being alleged (from the member of staff or third party) only speaking to the child if this is unavoidable or it is the child making the allegation.

No one in the school may investigate the incident by interviewing either those directly involved or any witnesses; to do so could prejudice a fair hearing at a later date.

The Executive Headteacher or Chair of Governors will simply establish that:

- An allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

The matter will not be discussed with the person who is the subject of the allegation at this stage.

4. Consultation and Referral

It is important to ensure that even allegations that appear to be less serious are seen to be followed up and taken seriously, and that they are examined objectively by someone independent of the school concerned.

If the allegation meets any of the criteria set out in paragraph 1 the Executive Headteacher or Chair of Governors' must report it to the Local Authority Designated Officer (LADO) on the same day.

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Local Authority Designated Officer, Directorate of Children,
Education and Early Help Services

Reading Borough Council, Civic Offices
Bridge Street, Reading, RG1 2LU

The case will then be allocated to an Officer to take forward. If it is not clear whether the threshold for referral has been reached, the Executive Headteacher or Chair of Governors can consult with the Local Authority Designated Officer before a formal referral is made.

5. Initial Consideration of the allegation

The LADOs first step will be to discuss the allegation with the Executive Headteacher (or Chair of Governors) to confirm details of the allegation and establish that it is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed.

In some circumstances the school may need to advise parents of an incident involving their child straight away, for example if the child has been injured while at school or in a school related activity, and requires medical treatment.

The Executive Headteacher will inform the accused person about the allegation as soon as possible **after** consulting the LADO.

However, where a strategy discussion is needed, this will be deferred after consultation with Police and Reading Child Protection Investigation Team, and there is agreement about what information can be disclosed to the person.

If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

6. Strategy Meeting/Evaluation with police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to Thames Valley Police Child Abuse Investigation Unit and a strategy meeting will be convened in accordance with "Working Together to Safeguard Children".

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services
- Consideration by the employer of disciplinary action in respect of the individual.

A senior representative of the Federation (Executive Headteacher or Chair of Governors) will attend any strategy meeting, unless there are good reasons not to do that, and provide circumstances and context of the allegation and the pupil and member of staff concerned.

7. Suspension

The possible risk of harm to children posed by an accused person needs to be assessed and managed – in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

Suspension will be considered in any case where:

- There is a cause to suspect a child is at risk of significant harm
- The allegation warrants formal investigation by the police
- There is likelihood that evidence may be tampered with, or witnesses intimidated
- The allegation is so serious that it might be grounds for dismissal. The Federation will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved.

In deciding whether to suspend a member of staff, the Federation will consider advice given at the strategy meeting and any risk assessment.

8. Action Where Police or Local Authority Investigation Is Not Necessary

If the complaint or allegation is such that

- It is clear that a criminal and/or child protection enquiries are not necessary, or
- The strategy discussion or initial evaluation decides that this is the case,

The Headteacher or Chair of Governors will discuss the next steps with the LADO.

In those circumstances the options open to the Federation depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action or giving professional advice as part of an informal warning to conducting formal disciplinary action that could lead to dismissal or lesser formal warning.

If the nature of the allegation does not require formal disciplinary action/investigation the Executive Headteacher will institute appropriate action within **three working days**. This

would normally be professional advice or an informal warning and a record will be kept of this.

Where further enquiries will be needed to enable a decision about how to proceed, the Executive Headteacher and Chair of Governors will agree with the LADO how and by whom the investigation will be undertaken. Such an investigation should normally be undertaken by a senior member of the Federation staff. However, the nature or complexity of the allegation may require an independent investigator.

On receipt of the report of the disciplinary investigation, the Executive Headteacher and Chair of Governors should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within fifteen working days.

9. Action Where Police or Local Authority Investigation is Necessary

The police or Crown Prosecution Service (CPS) should inform the school and LADO straightaway:

- If it is decided to close an investigation without arrest or charge, or
- If it is decided not to prosecute after the person has been charged, or
- When a criminal investigation and any subsequent trial is complete

In those circumstances the LADO will discuss with the Executive Headteacher and Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and or the local authority will inform that decision.

10. Referral to Department for Education (DfE)

If on conclusion the Federation ceases to use the person's services, or the person resigns or ceases to provide his or her services, the Federation will consult with HR at Reading Borough Council about whether a referral to DfE for barring is required. If a referral is appropriate the report will be made within one month.

11. Supporting those involved

The Executive Headteacher or Chair of Governors will notify the parents or carers of a child or children involved as soon as possible if they do not already know of it. (– subject to paragraph 5)

The deliberations of a disciplinary hearing and the information taken into account of reaching a decision will not normally be disclosed, but the parents or carers of the child or children should be told the outcome.

The Federation will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual.

Access to counselling services should be provided and if the person is suspended, the Federation should also keep the individual informed about developments at the relevant

school. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

12. Confidentiality

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No-one in the Federation may provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

No-one in the Federation may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

13. Resignations and Compromise Agreements

Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still be completed in accordance with the Guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the welfare of children, including any in which the person concerned refuses to cooperate with the process.

The Federation will not enter into “compromise agreements” by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of word to be used in any future reference.

14. Record Keeping

If anyone in the Federation has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the Executive Headteacher or Chair of Governors, as soon as practicable.

The Executive Headteacher will ensure that:

- A clear and comprehensive summary of any allegations made
- Details of how the allegation was followed up and resolved
- A note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy 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.

At the conclusion of the investigation, if the person under investigation is exonerated, the Federation will write to the person confirming this, and send a copy to the LADO and place a copy on the person’s personnel file.

15. Timescales

The Federation will endeavour to follow the timescales set out in the guidance for such investigations, as long as this is consistent with a fair and thorough investigation.

However, it is acknowledged that serious and complex allegations are unlikely to be resolved quickly, particularly where specialist evidence is needed, or the matter comes to a contested trial.

16. Oversight and Monitoring

The Federation will work closely with the Local Authority Senior Officer who has overall responsibility for oversight of the procedures for dealing with allegations and the local authority designated office.

The Federation will cooperate in supplying statistical information required by the Senior Officer and LADO for DfE returns and Local Safeguarding Children Board monitoring purposes.

17. Action on Conclusion of a Case

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the Federation will consider how best to facilitate that.

18. Learning Lessons

At the conclusion of a case in which an allegation is substantiated the Executive Headteacher and the Chair of Governors will review the case with the LADO to determine whether there are any improvements to be made to St Anne's or St Martin's Primary School or the LSCB procedures or practices to help prevent similar events in the future.

19. Action in Respect of Malicious Allegations

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Executive Headteacher will consider whether any disciplinary action is appropriate against the pupil who made it.

The Police will be asked to consider whether any action might be appropriate against the person responsible if s/he was not a student.

20. Allegations concerning staff not directly employed by the school

In some cases, the Federation will need to consider an investigation in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation.

That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation.

In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self-employed.

Although in these cases the school will not have direct employment relationships with the individual, the Federation will cooperate in an investigation, and in reaching a decision about whether to continue to use the person's services, or to provide the person for work with children in future, and whether to report the person to DfE.