



## **Carlisle & Hampton Hill Federation**

### **Allegations of Abuse against Staff Policy**

This policy was reviewed:	Summer 2019
This policy was ratified by Full Governing Body (if applicable):	
This policy will be reviewed again:	Summer 2020
Governor committee responsibility:	P&P
Statutory Policy?:	Yes

## 1. Introduction

All schools are under an absolute duty to promote and safeguard the welfare of children at the school.

Carlisle and Hampton Hill Federation takes this responsibility seriously and will ensure that any allegation of abuse made against a teacher or other member of staff or volunteer in the school is dealt with fairly, quickly, and consistently, in accordance with the DfE guidance.

This procedure will be used in any case where it is alleged that a teacher, other member of staff or a volunteer at the school 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 s/he is unsuitable to work with children.

This policy has reference to the Child Protection Policy and school personnel policy documents.

All members of staff and volunteers/ visitors 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
- an observation that the behaviour of a colleague is inappropriate or potentially/actually abusive

In either case the concern will be responded to in line with our Disciplinary Guidance and Procedure and **must** be recorded and reported to the head teacher immediately unless the allegation is about the head teacher in which case it must be reported to the Safeguarding Governor or chair of governors.

If the head teacher is absent the allegation should be reported to the Deputy Head teacher.

As this is a statutory duty, we expect all members of staff in the school, where they have concerns, to report them in accordance with this policy.

## 3. Initial Action

The head teacher or Safeguarding Governor / Chair of Governors will ensure that they have a full understanding of what is being alleged.

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 head teacher 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 all allegations are investigated and documented objectively.

#### **5. Involvement of the Local Authority Designated Officer (LADO)**

020 8891 7370 / 07774332675 [lado@achievingforchildren.org.uk](mailto:lado@achievingforchildren.org.uk)

The LADO's first step will be to discuss the allegation with the head teacher (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 head teacher 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 until after consultation with police and/ or other relevant agencies, 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.

#### **6. Strategy Meeting/ Evaluation with police**

If the allegation is **not** demonstrably false or unfounded, a formal referral will be made to the police. A strategy discussion will be convened in accordance with national guidance.

A senior representative of the school (head teacher or chair of governors) will attend any strategy meeting, unless there are good reasons not to do that, and provide information about the 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.

Our response will be in line with our Disciplinary Guidance and Procedure.

Suspension will be considered in any case where:

- there is cause to suspect a child is at risk of significant harm,
- the allegation warrants formal investigation by the police,
- there is a likelihood that evidence may be tampered with, or witnesses intimidated
- the allegation is so serious that it might be grounds for dismissal.

The school (along with relevant agencies) 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 school 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 is the case, The head teacher and chair of governors will discuss the next steps with the LADO.

In those circumstances the options open to the school 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 a lesser (formal) warning.

If the nature of the allegation does not require formal disciplinary action/ investigation the head teacher will institute appropriate action within five working days. This would normally be professional advice or an informal warning – a record will be kept of this.

Where further enquiries will be needed to enable a decision about how to proceed, the head teacher and chair of governors will agree with the LADO how and by whom the investigation will be undertaken.

On receipt of the report of the disciplinary investigation, the head teacher 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 15 working days.

### **9 . Action where Police or Local Authority investigation is necessary**

The police or the 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 head teacher 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 DCSF**

If on conclusion of the case the school ceases to use the person's services, or the person resigns or ceases to provide his or her services, the school will consult LA HR and LADO.

### **11. Supporting Those Involved**

The head teacher 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 the (Alleged) incident.

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

The school 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 school should also keep the individual informed about developments at 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 school may provide any information to the press or media that might identify an individual who is under investigation..

No-one in the school 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 that have a bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

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

### **14. Record Keeping**

If anyone in the school has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the head teacher or chair of governors, as soon as practicable.

The head teacher will ensure:

- 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(s) 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 school 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 school 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 school 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 school will cooperate in supplying statistical information required by the Senior Officer and LADO for DCSF 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 school will consider how best to facilitate that.

### **18. Learning Lessons**

At the conclusion of a case in which an allegation is substantiated, the head teacher and chair of governors will review the case with the LADO to determine whether there are any improvements to be made to the school’s or the LSCB procedures or practice to help prevent similar events in the future.

### **18. Action in respect of Malicious Allegations**

In the rare event that an allegation is shown to have been deliberately invented or malicious, the head teacher will consider whether any disciplinary action is appropriate.

The Police will be asked to consider whether any action might be appropriate against the person (s) responsible.

### **19. Allegations concerning staff not directly employed by the school**

In some cases, the school will need to consider an investigation case 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 those cases the school will not have a direct employment relationship with the individual, the school will cooperate in any reporting requirements or 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.