

Allegations of Abuse against Staff Policy

Review September 2023

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Reference to additional policies.

- *KCSIE 2022*
- *TKAT Complaints Policy*
- *Welling School Safeguarding/Child Protection Policy*
- *Whistleblowing policy*
- *Behaviour Policy.*

Introduction

Welling School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer 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. Our policy is in line with statutory guidance from the Department of Education.

This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff, a culture of a 'Telling School'. All allegations will be taken seriously and investigated as a priority.

Difference between an Allegation and a complaint

All such complaints or allegations should be taken seriously and responded to with sensitivity. It is also important to consider the context within which a complaint or allegation is made as this may influence how you assess, and respond to, information gathered during the assessment/investigation.

Complaint/s are generally expressions of dissatisfaction, problem, grievance or concern. Often complaints can be resolved informally by people coming together and sorting things out. These situations will most likely sit at the less serious 'expression of concern'. More serious complaints that cannot be resolved informally may need to be responded to according to the Complaints policy. The key procedural complaints principles require avoiding unnecessary escalation of complaints and following the rules of natural justice.

An allegation is an assertion especially an accusation, not necessarily based on facts.

Purpose.

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the school's Complaints Policy. This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at the school has:

- behaved in such a way that may have harmed a child or may have intended to harm a child. Our child protection policy outlines what it means to harm a child
- acted outside of the law in relation to dealings with a child
- behaved in any way that suggests they may be unsuitable to work with children

Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Allegations that involve a Looked After Child (LAC)

All allegations that involve a LAC child must be reported immediately to the LAC Key Worker/DSL/HT who will take the responsibility of referring the allegation to Social Care.

Allegations of a sexual nature that involve students

All allegations of a sexual nature that involve students must be referred immediately to EHT/HT/DSL who will then follow the Peer on Peer abuse policy.

Procedure - Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Executive Headteacher. If the Executive Headteacher is unavailable it must be reported to the Headteacher who will then begin the response process and follow up communications with EHT.

Complaints/allegations about the Executive Headteacher should be reported to the chair of governors who will then contact the local authority designated officer (LADO).

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately. The LADO will be contacted by the Executive Headteacher/Headteacher/Chair of Governors and a discussion will take place to decide whether: no further actions are needed, a referral to the LADO with additional information, a strategy discussion should take place there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police. (Local Authority Designated Officer – LADO).

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

- Substantiated: there is sufficient evidence to prove the allegation;
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Investigation

An investigation into the allegations is normally carried out by children's social services or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigations and may need to be delayed until the external investigation is complete. Supporting those involved The person(s) who makes the allegation and their parents/carers: Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the

parents. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome.

During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome. Social Services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need. The school's Confidential Reporting (Whistleblowing) Policy which is available on the T drive enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take.

The employee

Welling School has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made. The employee will then be advised on what the next course of action will be. However, if the LADO, police and/or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, the school will appoint a named person, usually the HR Manager, who will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the school should consider what might be appropriate to best accommodate this. The employee should also be given access to welfare counselling or medical advice where this is provided by the employer.

Confidentiality

The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

Suspensions

The school will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. TKAT HR will need to be advised before consideration of suspension. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the pupil making the allegation.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Headteacher/Chair of Governors holds the power to suspend an employee but will be advised by the LADO, police and or social care whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation. Compromise agreements will not be used in situations which are relevant to these procedures.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigations. 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. Where 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 or used in employee references. The records will be kept by the school. Details of any allegation made by a pupil will be kept in the confidential section of their record.

After or on conclusion of the case if the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the school to the Independent Safeguarding Authority. The school will be advised on this by the police and/or social services. If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

In the case of false allegations, the Headteacher/DSL or chair of governors may refer 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. If an allegation is found to be malicious, the Headteacher will decide what the proper sanction in line with the school behaviour policy.

The school has the power to suspend or permanently exclude pupils who make false claims, or refer the case to the police if the school thinks a criminal offence has been committed. If the claim has been made by a person who is not a pupil, the school will hand the information over to the police who may take further action against that person. There is a statutory duty to refer to the Secretary of State for Education (Teachers – for consideration of Prohibition List) or the DBS (non teaching staff) in the event of dismissal or resignation pending investigation

After the case no matter what the outcome is of an allegation of abuse against staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may prevent similar cases in the future.

Action flow chart



