

Handsworth Grange Community Sports College

Allegations of Abuse Against Staff Policy



Minerva
Learning Trust

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1) INTRODUCTION:

The Minerva Learning Trust (MLT) asks all partner schools to adopt and use this policy unless a partner school and the Minerva Learning Trust have discussed and agreed alternative procedures that they both agree would better suit the partner school's particular circumstances.

Any reference in this policy to the Governing Body or the school relates to the independent governing bodies and schools of all Minerva Learning Trust partners. Partner schools and their respective Governing Bodies have full delegated powers from the Trust and have responsibility for the operational implementation of the policies and their associated procedures. They are encouraged to seek advice and support from Minerva Learning Trust on matters of policy and procedure in circumstances where decisions may potentially impact on the Trust as a whole, e.g. dismissing staff or making staff redundant. In such circumstances, at least one member of the relevant panel should be a member of the Trust.

Handsworth Grange Community Sports College 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 for Education.

This policy is designed to ensure that all staff, pupils 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 efficiently as possible.

We hope that having a clear policy outlined will help pupils – as well as other staff, parents, volunteers etc to feel comfortable that they can voice concerns about any member of staff. For the purpose of this policy a "staff member" is a person whose work brings them into contact with children in an education setting. It applies to all teachers, support staff, supply teachers, volunteers and other adults ***on or off school premises and sites.***

Allegations will be reported to the Headteacher immediately or to the chair of governors where the Headteacher is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

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 in any case where it is suspected or alleged that a member of staff 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.

These behaviours should be considered within the context of the four categories of abuse i.e. physical, sexual, emotional abuse and neglect when Significant Harm has occurred, or there is a real potential of *Significant Harm* having occurred. The definition of *Significant Harm* is open to interpretation and professional judgment. It can include inappropriate touching, and assault, or a series of compounding events e.g. bullying. Other factors to be considered include the age and vulnerability of the child, the degree of force used, the frequency of the harm, the nature of the harm in terms of ill treatment and the impact on the child's health and development. It is important that advice is sought where there is any doubt as to whether the threshold of significant harm has been reached. Often it is only when

information from a number of sources has been shared, and these put together to produce a picture, that it becomes clear that a child is at risk of, or is actually, suffering harm.

Complaints against staff may constitute an allegation of a criminal offence. For example, complaints about excessive force used in restraint incidents and the use of force to maintain discipline, may contain the elements that could give rise to an allegation of assault. Where a complaint or allegation against a member of staff indicates that a criminal offence has been committed or is suspected of having been committed, a referral should be made in keeping with the procedures below.

A particular area of concern is inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc
- Possession of indecent photographs/pseudo-photographs of children

2) LINKS:

This policy will be used alongside the following policies and procedures of the school: Complaints Policy, Staff Discipline and Conduct, Staff Code of Conduct, Use of Restraint and Reasonable Force procedures, Child protection and Safeguarding Policy. The policy will have precedence if an allegation arises out of another procedure or investigation e.g. Staff Disciplinary.

3) AIMS AND OBJECTIVES

- a) To ensure all pupils, parents, staff and Adults Other than Teachers (AOTs) feel able to report concerns and allegations.
- b) To establish clear and consistent procedures for investigating all allegations and concerns which meet the intention and spirit of all legal and ethical guidance.
- c) To ensure all allegations are investigated and dealt with quickly, consistently, fairly and sensitively.

4) Timescale

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

- Minimise the risk to the child
- Minimise the impact on the child's academic progress
- Minimise stress to the employee concerned
- 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.

5) The Procedure

a) Reporting an allegation

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.**

All allegations made against staff should be reported immediately to the Headteacher **AND** the School Child Protection Officer(s). Complaints about the Headteacher should be reported to the Chair of Governors. After consultation with the school Child Protection Officer(s) the Chair of Governors, Head Teacher – or another appropriate member of the Leadership Team - will then contact the Local Designated Officer (LADO) at the local authority.

The discussion that takes place between the Head Teacher/relevant member of the Leadership Team and the LADO will decide whether:

- More information is required.
- The LADO is satisfied that the school's action or proposed action is appropriate.
- No further actions are needed.
- 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 designated officer about the allegation, 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 to the discussion and could include representatives from health, social care and police.

b) Investigation

- i) An investigation into the allegation 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.
- ii) Any agreed internal investigation needs to take place as soon as possible and everything possible should be done to avoid opportunities for collusion e.g. statements should be taken on the day of allegation and before any opportunity for potential collusion. Names of actual or potential witnesses need collecting and they should be interviewed by appropriately trained and experienced staff who will use the agreed school procedures for conducting the interview – see appendix 1. Consideration will need to be given in providing a vulnerable or distressed pupil with an appropriate adult to support them. This adult should ensure that the pupils understand the process but not act as an advocate or interfere in the investigation

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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

- **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.

c) Supporting those involved

The person(s) who makes the allegation and their parents/carers

- i) 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.

- ii) The school should offer the opportunity of a meeting with the relevant parents/carers/pupils to explain the procedure for investigating the allegation.
- iii) An appropriate member of staff will be designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible.
- iv) 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.
- v) Social services and the police may be involved and will provide the school with advice on what type of additional support the child may need.

The school's **Whistleblowing Policy** enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The Employee

- i) Handsworth Grange Community Sports College has a duty of care to its employees and will do everything to minimise the stress of any allegation and the disciplinary process.
- ii) The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the LADO. The employee will then be advised on what the next course of action will be. However, if the police 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.
- iii) The Head Teacher, Chair of Governors or appropriate member of the Leadership Team will keep the employee informed of the progress of the case and any other work-related issues.
- iv) The employee may need additional support and the school will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.
- v) If the employee is a member of a Trade Union, the person should be encouraged to seek their support.

d) 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. However, depending on the nature and circumstances of the allegation/suspension the Head Teacher may need to inform all staff of the suspension - *see e) point iv below.*

e) Suspensions

- i) ***The school will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made.*** Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.
- ii) The Headteacher/Chair of Governors holds the power to suspend an employee but will listen to the views of appropriate others e.g. the police, social care and other appropriate school colleagues before taking this action.
- iii) In the case of suspension, the employee will be escorted from the site **leaving behind all school possessions – see point iv below.** The colleague will receive written confirmation within one working day and will be informed of the reason for the suspension.
- iv) Depending on the nature and circumstances of the allegation the school may decide to establish other restrictions on a suspended colleague e.g. confiscating keys, school equipment such as a laptop, suspending school email and network access, restricting access to the school site. The school may also take the action of forbidding ANY contact between the suspended member of staff and any other school colleague or pupil. However, the school may provide the suspended colleague with the opportunity of being contacted by a 'friend' at school.

f) Resignations

If an employee resigns 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 employee's cooperation. They will be given full opportunity to answer the allegation.

Settlement agreements will not be used in situations which are relevant to these procedures.

g) Record keeping

Where an allegation is found to be malicious or unsubstantiated, ***it will be removed from the record of the employee concerned.***

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. 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.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

h) Action on conclusion of the case

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.

i) Action in the case of false or malicious allegations

The person making an allegation must be made aware of any action the school may take if the allegation is proved to be false.

Where an allegation is proved to be false, the Headteacher and Chair of Governors may refer to social services to determine whether the child is in need of support or has been abused by someone else.

The school's **behaviour policy** sets out the disciplinary action that may be taken against pupils who are found to have made malicious accusations against school staff. The Headteacher may consult the school governors when considering what action to take.

If the claim has been made by a person who is not a pupil, the school may pass the information to the police who may take further action against that person.

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 help to deal with cases in the future.

Appendices:

App 1 Taking Statements



Approved by

Governor: **Date:**

Signature: