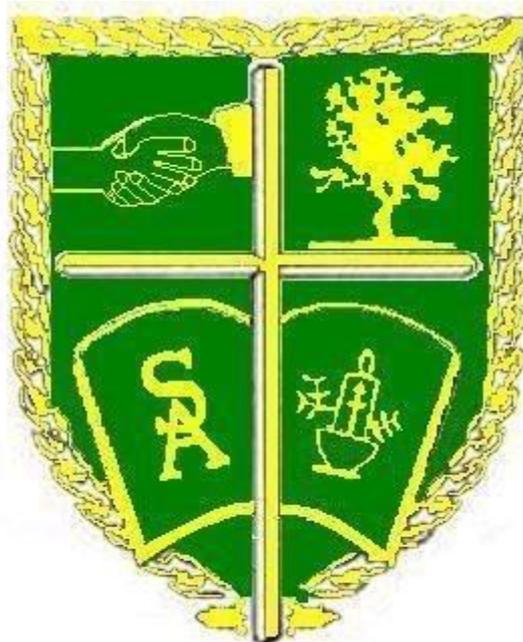


# St Antony's Catholic Primary School



## Allegations Against Staff Policy & Procedures

Learning together  
in  
God's love

Agreed by Governing Body: Autumn 2015  
Review date: Autumn 2016

## **POLICY AND GENERAL CONSIDERATIONS**

### Managing allegations of abuse against staff at any level across the school

#### **Introduction**

It is essential that any allegation of abuse made against a member of staff, students on placement or volunteers in our setting at St. Antony's is dealt with fairly, quickly, and consistently, in a way that firstly provides effective protection for the child at the centre of the allegation and at the same time supports (as is appropriate) the person who is the subject of the allegation. Thus, the procedures outlined in this policy will be followed alongside our School's Complaints Procedure and Child Protection & Safeguarding Policies.

All staff and volunteers should understand 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. It is our policy that all allegations will be reported straight away to the:

- Line Manager/Lead- to raise an initial concern and take the initial actions needed based on the issue. The matter may then be moved on to the
- Phase Leader/Shadow Lead- if the nature of the concern warrants it. Following this, the matter must be referred to the
- Head Teacher (or Deputy/AHT in her absence) if the allegation is deemed serious and in need of higher attention and action and is not resolvable at a lower level. The matter may ultimately be referred to the
- The Chair of Governors in cases where the Manager and other members of the leadership are absent, unavailable or is the subject of the allegation or concern themselves.
- Ultimately the matter must be referred to the LADO if it is at that trigger level (depending on the allegation the LADO may be the first port of call).

This policy follows the Government guidance in chapter 5 of 'Safeguarding Children and Safer Recruitment in Education 34 St. Antony's Nursery and School also adopts the Government's guidance under - "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children", which sets out the framework for managing cases of allegations of abuse against people who work with children.

#### **Purpose**

This policy will be adopted in respect of allegations that might indicate that a person is by virtue of their actions, found to be unsuitable to continue to work with children in their present position, or in any capacity. The School's Complaints and Child Protection Procedures will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a member of staff (including a volunteer or student on placement) has:

- Behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for definition of harm);
- 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 will include cases of verbal abuse.

There may be up to 4 strands in the consideration of an allegation:

- An investigation of the facts involved to determine an appropriate outcome or action by the school's leadership (Head/SLT, CP and Safeguarding Team)
- Consideration by the school of disciplinary action in respect of the individual.
- A report to the LADO/A police investigation of a possible criminal offence;

- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;

### **Supporting Those Involved**

Parents or carers of the child or children involved will be called in to a meeting and informed about the allegation as soon as possible after the incident has been reported ( if they do not already know of it). They will also be kept informed about the progress of the case through dialogue with the leadership of the school handling the case in meetings (face to face) or by phone to preserve confidentiality. They will also be informed of the outcomes as is appropriate- whether or not there is criminal prosecution as an outcome. They will also be informed of the outcome of any disciplinary procedures. However it is important to note that the details of 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 will be told the final outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care, or the police as appropriate, will be consulted by the Head or Chair of Governors to consider what support the child or children involved may need. The Head/Chair of Governors and Line Manager/Lead directly involved in the case 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 (if warranted). If the person is suspended, the Chair of Governors and Line Manager will also keep the individual informed about developments as needed/appropriate. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/ considered.

### **Resignations and "Compromise Agreements"**

The fact that a person may choose to tender his or her resignation upon being implicated in an allegation (or cease to provide their services to the school) will not prevent the allegation from being fully followed up and pursued in accordance with the school's procedures as outlined. Every effort will be made to reach a just conclusion in all cases of allegations- bearing in mind that securing the safety and welfare of all children under our care is the school's ultimate aim- whilst also making every effort to support the staff member, volunteer or student on placement involved as appropriate.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be deemed as substantiated or not- will continue even if the person is not fully cooperative.

Similarly, a "compromise agreement" by which a person may agree to resign under agreed conditions eg. The school agrees not to pursue disciplinary action (based on the nature of the case) may see both parties agree the terms and conditions (wording) to be used in any future reference to the case. Compromise agreements may not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is the appropriate action to be taken based on the facts surrounding the case. Furthermore, it will not override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) for consideration of placing the person's name on the Children's Barred List where circumstances require that.

### **Record Keeping**

A clear and comprehensive summary of the facts surrounding allegations made must be tabled and kept by the person to whom the report was made initially- this will act as a point of reference for any investigations which may follow. Details of how the allegation was followed up, investigated and ultimately resolved, and notes on any action taken and decisions reached must be tabled as the case is addressed. These reports/records will be 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 kept on the case in spite of the ultimate outcome. Records are also kept in response to any future request for a reference on the person in question if the person moves on from the school.

Good record keeping will also provide a point of reference for clarification in cases where a future CRB/DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. 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, if that is longer.

### **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 delays in taking action.

### **Initial Considerations**

The Local Authority Designated Officer (LADO) should be informed, by the Manager/Head of all allegations of abuse against staff as soon as possible after the allegation is made and the initial investigations on the ground corroborates the claim (on the same day in cases where the allegation is irrefutable, even where the police are contacted directly based on the nature of the alleged abuse).

The manager will inform the accused person about the allegation as soon as possible after consulting the Head/SLT, Chair of Governors or the LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the manager will not do that until those agencies have been consulted, and have agreed 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.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion must be convened by the Manager/Head with the LADO and other appropriate agencies, such as the police and social services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the manager will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB. The police will be consulted about any case in which a criminal offence may have been committed.)

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that nursery staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

The LADO and the Head/Manager may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the school are dependent on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

### **Suspension**

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful investigation surrounding the allegation.

The power to suspend is vested in the Head and the Board of Governors. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the School's consideration of suspension.

#### **Action on Conclusion of a Case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Head will determine with the LADO whether a referral to the ISA is required, or advisable. The school must report to the ISA, any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. (The ISA, PO Box 181, Darlington DL1 9FA. Tel: 0300 1231111). This report will be made within one month of the decision to cease using the services of that person.

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. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

#### **Action in Respect of False Allegations**

If an allegation is ultimately deemed to be false, the Head may refer the matter to children's social services to determine whether the child concerned is in need of services, or may have been abused by someone else outside of school. In the event that an allegation is shown to have been deliberately invented or malicious, the Head/Manage will consider whether any disciplinary action is appropriate against the staff/child/parent who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a child.