

## **POLICY FOR THE MANAGEMENT OF ALLEGATIONS OF ABUSE AGAINST STAFF**

### **INTRODUCTION (INCLUDING DEFINITION)**

St. Nicholas 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 are 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 (Keeping Children Safe in Education, 2020) and the KCC safeguarding procedures for managing allegations against staff within schools and education services (2015).

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 to feel comfortable that they can voice concerns about any member of staff. 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.

#### **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, whistleblowing policy and child protection and safeguarding policy.

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 a way that has harmed a child or may have harmed a child (our child protection and safeguarding policy outlines what it means to harm 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 he or she may pose a risk of harm to children.

In the event of an allegation being made against a member of school staff, the School will follow the guidance set out in Keeping Children Safe in Education 2020 (Part 4). If an allegation is made against a member of staff of a partner organisation, the school will report the matter to the LADO first and then the Safeguarding Officer of that organisation – whether the alleged abuse incident takes place on or off our premises.

NB: Following the advice of the Kent LADO service St. Nicholas School will manage and / or investigate any incidences of inappropriate or poor practice that falls below an alleged abuse incident.

#### **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.

## **Procedure**

### **Reporting an allegation**

All allegations made against staff should be reported immediately to the headteacher. Complaints about the headteacher should be reported to the chair of governors who will then contact the designated officer at the local authority.

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 Headteacher will contact the designated officer at the local authority and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- 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.

Email contact of the Kent LADO Service: [kentchildrenslado@kent.gov.uk](mailto:kentchildrenslado@kent.gov.uk)

### **Investigation**

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.

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.

- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

## **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. There will be a staff member 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. 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 in confidence.

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.

There will be an initial meeting with Headteacher (or in his absence the Deputy Headteacher) and the parents of the child(ren) once an allegation has been made. This will explain the procedures that will be followed in such a situation. In the event that an allegation is made against the Headteacher, a meeting will take place with the chair of governors.

The school's whistleblowing policy (found on the school website) enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

### **The employee**

St. Nicholas School has a duty of care to its employees and will take steps to minimise the stress of any allegation and the investigation process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the designated officer to determine what information can be shared with the individual at this stage. 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.

The Chair of Governors will keep the employee informed of the progress of the case and any other work-related issues.

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.

### **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.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

A breach of confidentiality will be taken seriously and may warrant a criminal investigation (KCSIE, 2018: 53).

### **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. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

The chair of governors holds the power to suspend an employee but will listen to the views of the police and or social care regarding suspension.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

### **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.

### **Record keeping**

Where an allegation is found to be malicious, 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.

### **Action on conclusion of the case**

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, the school will make a referral to the DBS (Disclosures and Barring Service) and/or to the TRA (Teacher Regulation Agency) as appropriate.

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.

### **Action in the case of false or malicious allegations**

Where an allegation is proved to be false, the headteacher and chair of governors may refer to social services to determine whether the child needs support or has been abused by someone else.

The school's positive behaviour support policy sets out the disciplinary action that may be taken against pupils who are found to have made malicious allegations 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.

#### EQUALITY, SAFEGUARDING AND EQUAL OPPORTUNITIES STATEMENT

St Nicholas School, in all policies and procedures, will promote equality of opportunity for students and staff from all social, cultural and economic backgrounds and ensure freedom from discrimination on the basis of membership of any group including gender, sexual orientation, family circumstances, ethnic or national origin, disability (physical or mental), religious or political beliefs.

As part of our commitment to meet the Public Sector Equality Duty (PSED), St Nicholas School aims to:

- Provide equal opportunity for all;
- Foster good relations, and create effective partnership with all sections of the community;
- Only take actions which does not discriminate unlawfully in service delivery, commissioning and employment;
- Provide an environment free from fear and discrimination, where diversity, respect and dignity are valued.

All aspects of Safeguarding will be embedded into the life of the School and be adhered to and be the responsibility of all staff.

#### LINKS TO OTHER POLICIES

Safeguarding Policy

Staff Code of Conduct

Whistleblowing

Positive Behaviour Support

Safer Recruitment

Online Safety (with Acceptable Use policies)

STEPHEN KING

REVISED TERM 2 2020

RATIFIED BY FULL GOVERNING BODY 21<sup>ST</sup> JANUARY 2021