

HIGHDOWN SCHOOL AND SIXTH FORM CENTRE



ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

| | |
|------------------------|---|
| Title: | Allegations of Abuse Against Staff Policy |
| Version: | 1.2 |
| Author: | Ms R E Cave, Headteacher |
| Committee responsible: | Full Governing Body |
| Governor link: | Mr J Taylor, Chair of Governors |
| Date approved: | 22 nd March 2017 |
| Review date: | 22 nd March 2020 |

HIGHDOWN SCHOOL AND SIXTH FORM CENTRE

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

1) Purpose

Highdown School is committed to providing the highest level of care for both its students and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or other adult in our academy is dealt with thoroughly and efficiently, maintaining the highest level of protection for the young person, whilst also giving support to the person who is the subject of the allegation. This policy is in line with statutory guidance from the Department of Education. This policy will be published on the academy website 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. Allegations must be reported to the Headteacher immediately or to the Chair of Governors where the Headteacher is the subject of concern. All allegations will be taken seriously and investigated immediately.

2) Procedure

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 academy's Complaints Policy and Safeguarding Policy.

This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or another adult at the academy has:

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

3) Timescale

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

- Minimise the risk to young people
- Minimise the impact on the young person's academic progress
- Ensure a fair and thorough investigation for all parties
- Establish the truth of an allegation to support a member of staff
-

To enable this to happen, all stakeholders should be aware of the procedures set out in this policy. This will happen through the yearly publication of policies for all Highdown staff and on our website. It is not possible to give an exact time frame for investigations to be carried out in these situations. However, parties will be informed of the progress of investigation and processes and information given about when information will be shared (even if this is to report that there is no further update).

4) Reporting an allegation

All concerns of poor practice or possible young person abuse by 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 local authority designated officer (LADO). Staff who are concerned about the conduct of a colleague towards a student 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 young person is paramount and must report their concerns immediately.

The LADO will be contacted by the Headteacher/Safeguarding Officer/Chair of Governors and a discussion will take place to decide whether:

- no further actions are needed
- a strategy discussion should take place
- there should be immediate involvement of the police or social care.

The academy will share available information with the LADO about the allegation, the young person, 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 – Aqualma Murray Tel: 0118 9373 5555 - LADO, Young people's Safeguarding Unit)

5) Investigation

An investigation into the allegations is normally carried out by children's social services or by the academy. This will be agreed at the initial evaluation stage. Where the academy is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation (and/or police investigation) and may need to be delayed until the external investigation is complete.

6) Supporting those involved

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

Parents and carers will be notified if their young person 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 academy with advice on what type of additional support the young person may need.

The academy's Confidential Reporting (Whistleblowing) Protocol empowers staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place. This is published in the main staff handbook for ease of reference.

6.2) The employee:

Highdown Academy 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, but only after the Headteacher has spoken to the Chair of Governors. 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 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, they will keep them informed of any developments from academy. 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 academy should 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. The academy 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.

6.3) Agency Employees:

If the person who is the subject of the investigation is hired by the academy through an agency, the process will apply as per this policy. In addition, the agency will be informed of the investigation and kept briefed throughout the process.

6.4) Employees of other schools/academies:

It is possible that an allegation may be made regarding an employee of another institution (for example where a joint trip or extra-curricular programme occurs). The information regarding the allegation will be passed to the employer. The investigation procedure will be carried out as for Highdown School staff and the outcomes passed to the employer.

7) Suspensions

The academy 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, but is removed from the student making the allegation. A suspension may be decided upon if it is deemed that the young person or other young people 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 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.

8) Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still 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.

9) 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 investigation. This person should be given a copy of the same information. This will enable the academy to:

- Provide all the necessary information for future academies 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 academy. Details of any allegation made by a student will be kept in the confidential section of their record.

10) Action on conclusion of the case

10.1) 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 academy to the Independent Safeguarding Authority. The academy will be advised on this by the police and/or social services. If it is decided that the employee may return to academy (after a suspension) then provisions will be put in place by the academy 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 young person who made the allegation is still at the academy, the academy will consider what needs to be done to manage the contact between employee and young person.

10.2) Action in the case of false allegations. Where an allegation is proven to be false, the Headteacher and Chair of Governors may refer to social services to determine whether the young person is in need of special care, or to help to understand if they are being abused elsewhere. If an allegation is found to be intentionally fictitious and malicious, the Headteacher will decide what the proper sanction will be for the student who made the false allegation. The academy's behaviour policy sets out the disciplinary action that will be taken against students who are found to have made malicious accusations against academy staff. The Headteacher may wish to include the academy governors when considering what action to take. The academy has the power to suspend or expel students who make false claims, or refer the case to the police if the academy thinks a criminal offence has been committed. If the claim has been made by a person who is not a student, the academy will hand the information over to the police who may take further action against that person. The Headteacher (or Chair of Governors if the allegation is about the headteacher) will take appropriate disciplinary action if the false allegation was intentionally fictitious and malicious by a member of staff.

11) After the case

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

12) Monitoring and Evaluation

Monitoring arrangements for the effective implementation of the policy will be discussed and evaluated through a scrutiny meeting between the Headteacher and the Chair of Governors. The Chair of Governors is notified when the policy becomes live in the event of an allegation. The Chair of Governors will report back to FGB.

12) Related Policies

- Safeguarding Policy
- Complaints Policy
- Confidential Reporting (Whistleblowing) Procedure (Staff Handbook)