

Policy for Allegations of Abuse against staff

Grand Avenue Primary and Nursery School
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1- Introduction

This document outlines the procedures to be taken when an allegation of abuse is made against a member of staff in relation to a pupil at Grand Avenue Primary and Nursery School.

Procedures apply to all members of staff whether in a paid or a voluntary position.

The policy is designed to be consistent with the principles of natural justice.

Statutory guidance from the DfE will also be referred to in all cases in which a member of staff has;

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child in a way that indicates there is risk of harm to a child

2- Recording an allegation

Unless the allegation is made against the Head teacher, concerns of abuse towards a child by an adult will be immediately raised with the Head teacher.

An allegation against the Head teacher will be raised with the Chair of Governors.

The person collating information and evidence regarding the concern will be known as the investigator.(ie Headteacher or Chair of Governors)

Guidance and procedures

The investigator will listen carefully to the allegation.

The person reporting the concern will need to do so calmly and factually.

Account will be taken of the age and understanding of the person reporting a concern.

The person reporting the concern will be assured that the matter will be disclosed only to the people who need to know.

Confidentiality is not promised to the person reporting the concern.

Consideration is made regarding any other children who may be at risk of harm.

The investigator will make notes during the reporting of the concern, including date, time, location and other witnesses regarding the allegation.

(See Appendix C for suggested proforma)

3- Assessment of allegation

The investigator will carry out an initial assessment of the facts

Guidance and procedures

The investigator will;

Begin an initial assessment of the allegation on the same day as the reported concern.

Assessment may also be carried out no later than the next working day.

Undertake a cursory examination of any injury if the abuse is physical in nature (Referral to a qualified health professional may be needed)

Listen to and scribe, verbatim, the facts of the concern if the allegation is from a child. (See Appendix D for guidance)

Scrutinise the school records of incidents to ascertain any further information available regarding the concern.

Interview any witnesses to the concern and record their statement.

Contact the Local Authority Designated Officer (LADO) as soon as possible after the investigation has been carried out, to discuss the context of the allegation and agree next steps.(this may include previous history)

Make enquiries with regards the accused employer, if different to the school/LA

Not interview the accused at this stage (Child protection/criminal investigations could be hindered)

4- False allegations

If, after considering the nature and evidence of the allegation the investigating officer and LADO agree that the allegation is false the following action will be taken.

The investigator will:

Record the reasons for the decision

Create a document outlining the reasons for the decision to be sent to the accuser

Send the document outlining the reasons for the decision to the accuser.

Discuss with the LADO what action needs to be taken in relation to the person making the allegation

Meet with the accused and give details of the allegation, and a written record of the investigating officer and LADO's findings (Union representation maybe advised)

Offer and signpost the accused to counselling services available

In the case of a child making a false allegation

The investigator will:

Notify the child's parents/carers of the allegation

Discuss with parents/carers the next steps agreed with LADO to support the child e.g. a referral to educational psychologist

Ensure parents/carers are aware of the prohibition on reporting or publishing of allegations about the accused.

5- Physical restraint

If the allegation relates to the use of reasonable forces to restrain a child, the headteacher will investigate the matter.

If the allegation is against the Headteacher, the Chair of Governors will become the investigating officer.

Staff at Grand Avenue Primary School are required to be familiar with Restraint and Restrictive Intervention policy and regularly offered training in the use of physical restraint and de-escalation techniques.

An allegation of assault beyond the use of reasonable force will be dealt with in accordance with Child Protection procedures.

6- Allegations requiring Police or Social Services

If, after discussion and enquiries, the LADO and investigating officer believe the allegation requires further investigation, a decision is made to involve the police and /or social services. An allegation maybe referred to the police for investigation where the accused is deemed to be an immediate risk to children and/or there is evidence of a criminal offence.

Guidance and procedures

The LADO will convene a strategy meeting, at the earliest convenience, inviting police and social services to attend. (Meeting to be held within two weeks of the allegation being reported)

The strategy meeting will focus on the allegation and next steps.

The accused member of staff may seek union representation.

The LADO will consider if any previous allegations against the accused need to be considered. Police and social services will decide if other children or adults need to be interviewed.

Depending on the nature of the accusation, the police may wish to interview the accused and act independently, with all enquiries regarding the allegation kept confidential.

Statements made in the course of a police or social services investigation will not be passed to the school without the consent of the signatory to the statement.

Interviews undertaken by the police will be held at a reasonable time at the police station.

School may wish to undertake an internal investigation even if the accused resigns, pending an investigation by the police or social services.

Investigations undertaken by the police or social services take priority over an internal investigation by the school.

7- Allegations requiring no Police or Social Services

If, the LADO and investigator decide that the allegation should be investigated at school level or the strategy meeting concludes that police and social services involvement is not warranted, there are three possible outcomes:

Decision 1

The allegation represents inappropriate behaviour by the accused but does not require formal disciplinary action. Leading to the investigator instigating appropriate action within three days of this decision e.g. training

Decision 2

A disciplinary hearing is required, without further investigation, following the school procedures for disciplinary action.

Decision 3

Further investigation is required to inform consideration of disciplinary action. The LADO will be consulted and decide on the nature of the further investigations*, involving the investigating officer in this process.

*If an independent investigation is required the LADO will arrange and the report will be sent to the school within 15 working days following the referral.

On receipt of the report of the disciplinary investigation the investigator and Chair of Governors will consult the LADO and decide whether a disciplinary hearing is required. If needed, the hearing will take place within 15 working days.

In the case of an agency supply teacher

Any disciplinary hearing will be conducted in the presence of the agency's HR manager. Any sanctions issued will be the responsibility of the supply agency.

8- Suspension

The investigator will make a decision as for the need to suspend the accused, pending investigation and/or disciplinary action, without prejudice.

Guidance and procedures

The investigator will seek the views of the accused, by arranging a meeting, with regards to the avoidance of suspension

Alternatives to suspension are discussed and agreed, for example

- Redeployment within school so the accused does not come into contact with the person/child making the allegation
- Providing a third person to be present should the accused and person/child making the allegation need to have contact

The accused is entitled to union representation during the meeting to discuss options.

Immediate suspension

The LADO and investigator may decide that immediate suspension is necessary. The rationale and justification for this decision will be put in writing to the accused by the LADO. The record will also make note of alternatives to suspension considered and why they were rejected.

Guidance and procedures

The investigator will inform the accused verbally of the suspension and that they will receive a letter of confirmation from the LADO.

Unless otherwise advised during a strategy meeting with police/social services, the LADO will write to the accused, **within one day** of the suspension decision stating details of the allegation.

The suspension letter will include an estimate of the time it is likely to take to conclude the school investigation. It is expected that 80% of investigations will be resolved within a month, and 90% within 3 months. Cases referred to police or social services may take longer.

See *Appendix E for Contents of suspension letter*

9- Disciplinary Hearing (Decision 2 , section 7 above)

The point at which the accused is interviewed as part of disciplinary procedures will depend on involvement with police and/or social services. The school's investigation will resume only once police/social services have agreed that this will not interfere with any child protection enquiries or criminal investigations.

Guidance and procedures

The investigator and LADO will interview the accused.

The interview will be convened as soon as is practicably possible.

Procedures set out in the school disciplinary policy will be followed.

Full notes of the interview will be made, with the accused asked to read and sign as a true record.

The Governing Body and LADO will balance the welfare of the accused and the interests of the investigation, taking account of the need to minimise stress caused.

Before the accused is interviewed by school they will be informed of:

- Their rights under the school disciplinary procedures.
- Their right to representation.
- The allegation, in full.
- Their right to respond to the allegation and make a statement
- Their right to information and documentation which would help address the allegations. against them e.g. minutes of meetings, notes from investigation.
- Their right to identify anyone who may be relevant to the investigation.

10- After Disciplinary Hearing

At the end of the hearing, a meeting with investigator and LADO will be held and decision made on the next steps of the investigation. This may be a disciplinary charge or a return to work.

Guidance and procedures- disciplinary charge

The LADO will convene a meeting and advise the accused of the next steps being taken.

During this meeting, the accused may wish to be accompanied by union representation.

School policy will be followed with regards a disciplinary charge

Guidance and procedures – return to work

The LADO will convene a meeting and advise the accused of the next steps.

The investigator will meet with the accused to discuss how best to facilitate a return to work.

A phased return or provision of a mentor may be provided.

Consideration will be given to managing contact with the person/child who made the allegation.

It will be acknowledged that the experience of an allegation can be extremely stressful and counselling and/or other support may be offered.

11- Resignation Pending Outcomes

A member of staff accused of abuse against a child with an investigation or disciplinary hearing pending may make the decision to resign before the conclusion of procedures.

Guidance and procedures

The investigator will:

Invite the accused to a meeting to discuss the resignation.

Ask the accused to provide written representation if attendance at a meeting is not agreed.

Acknowledge that the accused is not obliged to attend a meeting or make written representation if a notice period has been already served.

Ensure that, if the allegation is substantiated, it is referred to in future references.

Refer the accused to the DBS and National College of Teaching and Leadership.

Not agree a compromise situation e.g. the accused will resign if no disciplinary action taken.

12- Disclosure and Barring Service

There is a legal requirement for employers to make a referral to the DBS where it is believed that an individual has

- engaged in conduct that harmed (or is likely to harm) a child
- posed a risk of harm to a child.

Guidance and procedures

Referrals to the DBS and National College for Teaching and leadership to be made by the Chair of the Governing Body.

Referrals to be made if an individual is dismissed.

Referrals to be made even if an individual resigns their post.

Referrals to be made within one month of a school ceasing to use the person's services.

The DBS make the decision on whether to bar a person from working in regulated activity. (i.e. in schools and other educational establishments)

13- Record Keeping

The investigator will keep records in relation to the allegation until the person has reached normal retirement age or a period of 25 years from the date of the allegation.

Guidance and procedures

The investigating officer will;

- Provide a summary document showing the allegation, procedures followed and actions taken.
- Place the summary document into the person's confidential personal file.
- Provide a copy of the summary document to the person to whom it refers.
- Ensure any written statements made recording a verbal statement are signed and dated by all parties involved.
- Ensure that details of any malicious allegations are removed from records.

14- Anonymity and confidentiality

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

Guidance and procedures

Reporting restrictions (Education Act 2011) apply until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from an allegation. Reporting restrictions cease to apply if the accused waives the right to anonymity by going public or by giving written consent.

Reporting restrictions cease to apply if a judge lifts the restrictions in response to a request by a third party.

Publication includes 'any speech, writing or communication in whatever form which is addressed to the public at large, or any section of the public'.

Publication includes the use of social media which could lead to the identification of the accused by members of the public.

15-Monitoring and Evaluation of policy

The Governing Body will monitor the effectiveness and operation of this policy. The policy will be reviewed in line with the school review cycle (every three years).

Guidance and procedures

Following operation of the policy the investigator will provide the Governing Body with a written report of proceedings.

The report for Governors will not identify an individual by name.

The report will include an equality statement with regards to protected characteristics.

The investigator will inform the Governing Body with regards to any appeals or representation on the grounds of alleged discrimination.

See *Appendix F Confidentiality*

APPENDIX A

Definitions

Local Authority Designated Officer (LADO)

A LADO is a designated local authority officer involved in the management and oversight of individual cases of allegations of abuse made against those who work with children

Their role is to:

- give advice and guidance to employers and voluntary organisations
- liaise with police, social services and other agencies
- monitor the progress of a case
- ensure a consistent and fair approach to each case

Designated Safeguarding Lead (DSL)

Each head teacher must appoint a designated safeguarding lead for their school. The individual should be a member of the Senior Leadership Team, have the DSL role as part of their job description and be given time to discharge their duties.

The DSL co-ordinates action within the school and with outside agencies with regards to suspected Child Abuse. A deputy DSL is also appointed to act in the absence of the DSL.

Appendix D

Guidance on hearing allegation from a child

The child should not be;
Interviewed
Asked to repeat their account
Asked leading questions
Interrupted when recalling significant events
Promised that what they say will be kept confidential

The child should be;
Listened to carefully

Care needs to be taken not to make assumptions or interpretations. Suggestions should not be made as to alternative explanations for their concerns.

All information needs to be noted carefully, using exact wording. If possible, the child will be asked about place, time and witnesses.

The written record of the allegations should be signed and dated by the person receiving them as soon as practicable.

Appendix E

Contents of Suspension Letter

A suspension letter will include the following advice and assurances, where appropriate.

The reason why the suspension was considered appropriate
Assurance that the suspension is a neutral act, not a disciplinary sanction
Assurance that pay will be paid as normal
Assurance that he/she will be kept informed of the progress of the investigation
A prompt to contact union

A warning that the investigation may lead to disciplinary procedures
Assurance that confidentiality will be maintained.
Confirmation that potential witnesses may be contacted by the accused or the investigator
Confirmation that normal social interaction with colleagues is permitted
Details of any named contact and how they may be reached
Details of any confidential counselling service provided by the employer
Details of liaison link with school
A polite reminder to remain professional during the process

Appendix F

Confidentiality guidance

The investigating officer will take advice from the LADO, police and social services (if involved)

An agreement will be made regarding:

Who needs to know

What information can be shared

How to manage leaks and gossip

Information to be shared with the wider community to reduce speculation

How to manage press interest

The Chair of Governors will be required to prepare a standard response to queries from the community e.g. parents, media. The response needs to indicate that:

- The matter is governed by procedures which the school is obliged to follow.
- The matter is in the hands of the appropriate agencies and no further comment can be made.
- No names will be given out to the public.