

North Halifax Grammar School

Allegations of Abuse Against Staff Policy



Approved by:	Full Governance Board
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Policy owner:	Vice Principal – Behaviour, Safeguarding and Inclusion

This policy is designed 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.

We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Principal immediately or to the chair of governors where the Principal is the subject of concern. 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** and **Safeguarding Policy and Child Protection Procedures**.

Both policies are available on the school website.

This policy will be used in any case where it is alleged that anyone working in the school, including supply teachers and volunteers 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 or children in a way that indicates he or she may pose a risk of harm to children; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Timescale

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation in order to:

- minimise the risk to the child;
- minimise the impact on the child's academic progress;
- ensure a fair and thorough investigation for all parties.

All allegations should be investigated as a priority to avoid any delay. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a criminal offence it will be for the school to deal with it, although if there are concerns about child protection, the school will discuss them with the designated officer. In such cases, if the nature of the allegation does not require formal disciplinary action, the school will instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.

All staff, parents, and students should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Principal. **Complaints about the Principal 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 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 LADO will be contacted by the Principal 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 school will share available information with the LADO 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 into the discussion and could include representatives from health, social care, the GP and police.

Contact details for the LA designated officer:
Keith Watson: 01422 394086
Emergency Duty Team: 0845 1111137

Investigation

An investigation into the allegations 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 allegation investigations:

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
- e. **Unsubstantiated;** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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.

Social services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

The school's **Whistleblowing Policy**, which can be accessed via 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:

The North Halifax Grammar School 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 Principal 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 chair of governors or a 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 school. 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 school 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.

Confidentiality

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while the allegation is being investigated or considered. Publication of material that may lead to the identification of the member of staff who is the subject of an allegation is prohibited, including the publishing of details on a social networking site. Any breach of confidentiality will be taken seriously and may warrant its own investigation.

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, but is removed from the pupil making the allegation.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Principal and chair of governors hold the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary. If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the case manager and the designated officer. This will also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The person will be informed at this point who their contact is within the school and provided with their contact details.

Resignations

If an employee resigns, or ceases to provide their services 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.

A referral to the DBS will be made if the criteria are met and the school will consider whether a referral to the Secretary of State is appropriate.

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement.

Record keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached will be kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

- provide all the necessary information for future schools 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. 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 person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer will discuss with the case manager and the personnel adviser whether the school will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer to the **Teaching** Regulation Agency to consider prohibiting the individual from teaching. There is a legal requirement for the school to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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 malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the designated officer will refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the principal will consider whether any disciplinary action is appropriate against the student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a student.

Learning Lessons

At the conclusion of a case in which an allegation is substantiated, the designated officer will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.