



Policy for THE MANAGEMENT OF ALLEGATIONS
AGAINST STAFF

Policy proposed: March 2019

Policy to be reviewed: March 2020



MODEL POLICY FOR THE 'MANAGEMENT OF ALLEGATIONS AGAINST STAFF'

Date adopted by the governing body:	March 2019
Date for Review:	March 2020

The governing body of **The Jane Lane School** adopted this policy on March 2019 following consultation with the recognised unions and Professional Associations.

INDEX	
1. Scope	2
2. Aims and Principles	2
3. Responsibilities	3
4. Conduct Concerns	4
5. Initial Considerations	4
6. Strategy Discussions	4 - 5
7. Investigation	5
8. Suspension	5
9. Support	6
9.1 Staff	6
9.2 Parents/Carers	6
10. Confidentiality	6 - 7
11. Keeping Records	7
12. Resignations and 'Compromise Agreements'	7

1. Scope

- 1.1 This policy applies to all employees **The Jane Lane School** who come under the control of the Governing Body.
- 1.2 For the purposes of the policy a 'staff member' is a person whose work brings them into contact with children in an education setting. It applies to all staff, paid or working in a voluntary capacity (including supply teachers) on or off School premises and sites.
- 1.3 The DfE statutory guidance for managing cases of allegations is set out in '*Keeping Children Safe in Education*' – September 2016. Part four 'Allegations of abuse made against teachers and other staff', outlines the framework of this policy.
- 1.4 This policy replaces the previous 'Management of Allegations Against Staff'.

2. Aims & Principles

- 2.1 Governors at **The Jane Lane School** are committed to taking their responsibility of care for its children, young people and staff seriously.
- 2.2 All school staff have a responsibility to safeguard and promote the welfare of all children.
- 2.3 All allegations, regardless of the source made against a member of staff will be treated seriously by the School. The management of the allegation will become a clear priority and will be dealt with in a fair and consistent way to the benefit of all concerned. Any unnecessary delays should be avoided.
- 2.4 This policy sets out the procedure to be taken in respect of all cases in which it is alleged that 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; or**
 - **Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.**
- 2.5 Where required, child/adult protection and criminal investigation procedures will take precedence over this policy.
- 2.6 An investigation undertaken as part of this policy may be used in other proceedings under other School policies as deemed appropriate.
- 2.7 In all management of allegations cases the School will act with guidance from the School's HR Consultants.

3. Responsibilities

- 3.1 The **Governing Body** will monitor and review this policy from time to time. They will provide safeguarding and child protection training and delegate to the Headteacher the necessary discretion to manage cases of allegations against staff. A member of the Governing Body will be nominated as the safeguarding lead.

The **Governing Body** will ensure that all allegations are dealt with in a fair and consistent way that provides effective protection and support for the child and the member of staff who is the subject of the allegation. The Chair of Governors will manage any allegations against the Headteacher.

- 3.2 The **Headteacher** will appoint an appropriate senior member of staff to the role of Designated Safeguarding Lead.

The **Headteacher** is responsible for the immediate notification of the allegation to the Designated Officer and will assume the role of the 'case manager'.

The **Headteacher** will ensure that the reporting procedure for raising concerns and the contact details of key personnel are clearly communicated to staff and displayed within the School.

- 3.3 The **Designated Safeguarding Lead** is responsible for raising awareness through providing advice and support to staff on child welfare and protection issues. They are to ensure that all staff and pupils are aware of the procedures for reporting concerns.

The **Designated Safeguarding Lead** will refer cases of suspected abuse to the local authority children's social care, where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service or where a crime may have been committed to the Police.

The **Designated Safeguarding Lead** will work with the 'case manager', Designated Officer and take part in strategy discussions and inter agency meetings as required.

- 3.4 All **Employees** have a role to play in the safeguarding of children and have a duty to report their concerns immediately in accordance with School reporting procedures. They have a responsibility to promote the welfare of children and provide a safe working environment in which children can learn.

It is mandatory for all **Employees** to read at least Part 1 of Keeping Children Safe in Education 2016. A hard copy of this document will be provided to all employees during induction.

- 3.5 The **Designated Officer** (previously known as the Local Authority Designated Officer or LADO) is employed by the Local Authority, they will provide advice, information and guidance to the School around allegations and concerns. They have overall responsibility for the oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board.

The **Designated Officer** will make a recommendation for a referral and chair the strategy (position of Trust (POT)) meeting attended by the 'Case Manager' and multi agencies. They will monitor the progress of the case to ensure that it is being dealt with as quickly as possible consistent with a thorough and fair process.

4. Conduct Concerns

- 4.1 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. Staff must remember that the welfare of the child is of paramount and all concerns of poor practice or possible child abuse by staff **must** be reported immediately to the Designated Safeguarding lead or the Headteacher, failure to so may lead to disciplinary action being taken.
- 4.2 If staff do not feel that they are able to raise their concerns internally they can report them via the NSPCC whistleblowing helpline on 0800 028 0285 or by email help@nspcc.org.uk.
- 4.3 When dealing with allegations the Designated Safeguarding Lead and Headteacher will apply a common sense approach in their judgement. Should the allegations meet the criteria highlighted in para 2.4 the Headteacher will contact the Designated Officer without delay, this includes any allegations made against a former member of staff.
- 4.4 If a member of staff is deemed to be an immediate risk to children or there is evidence of a possible criminal offence the Headteacher will contact the police immediately. Where there is uncertainty, the Headteacher will discuss the allegations with the Designated Officer in order to help determine whether police involvement is required.

5. Initial Consideration

- 5.1 The Headteacher will immediately discuss the allegation with the Designated Officer. The purpose of an initial discussion is to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer may ask the Headteacher to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children.
- 5.2 The initial discussion and information sharing will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is deemed to be false, no further action will be taken, the decision and justification for it will be recorded by the Headteacher and the Designated Officer. Consideration will be given as to any further action to be taken by School i.e. informal action/advice, re-training, the Headteacher where reasonably possible will instigate this action within three school days.
- 5.3 If the allegation is patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm or a criminal offence may have been committed, the Designated Officer will immediately request a strategy POT meeting. The Headteacher supported by the Schools HR Consultants will attend this meeting.

6. Strategy Discussion

- 6.1 For allegations regarding physical contact the strategy discussion will take into account that staff employed in School are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- 6.2 Where the involvement of Children's Social Work Services or the Police is deemed necessary the Designated Officer will agree the nature of the allegations and the next steps/actions required.

Where there is no involvement or case to answer, the Designated Officer and the Headteacher will consider the circumstances of the allegation and the evidence and information available in order to decide if further enquires in the form of an internal investigation is necessary.

7. Investigation

- 7.1 The Headteacher with support from the School's HR Consultants will decide who will undertake the investigation. In straightforward cases, the investigation will be undertaken by a member of the School's Senior Leadership Team. In other circumstances, including a lack of appropriate resources, the Headteacher will appoint an independent investigator. The investigation will be taken in accordance with the School's **Disciplinary Policy**.
- 7.2 If an allegation made by the child(ren) is proved to be false, the Headteacher will take action to determine whether the child(ren) is in need of additional services. In cases in which the child(ren) have made a malicious or vexatious allegation, the Headteacher will consider talking action in accordance with the Schools Management of Behaviour Policy.
- 7.3 Any allegations made by a member of staff that are found to be malicious or vexatious will be dealt with under the Schools Disciplinary Policy.

8. Suspension

- 8.1 The possible risk of harm to children posed by an accused member of staff needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases this will require the Headteacher, with advice from the School's HR Consultants, to consider suspending the member of staff until the case is resolved.
- 8.2 Suspension will not be an automatic response to the reporting of allegations. The Headteacher will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on the assessment of risk the following alternatives will be considered:
 - redeployment within the School to remove direct contact with the child(ren) concerned;
 - providing a work colleague to be present when the member of staff has contact with children;
 - redeployment to alternative work in the School to removed unsupervised access to children;
 - moving the child(ren) to classes where they do not come into contact with the member of staff (it must be made clear that this is not a punishment and parents have been consulted); or
 - **temporarily redeploying the member of staff to another role in a different location if appropriate**
- 8.3 The Headteacher will undertake a risk assessment giving careful thought to the particular circumstances of the case. They will only consider suspension where there is cause to suspect a child or other children at the School is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal.
- 8.4 If immediate suspension is considered necessary, the rational and justification will be agreed and recorded by the Headteacher and the Designated Officer. The member of staff will be informed at the point of their suspension who their named point of contact within School and they will be provided with their contact details. Written confirmation of the suspension will be provided to the member of staff as soon as practicably possible, but no more than three school days.

9. Support

9.1 Staff

- 9.1.1 The School will endeavour to manage and minimise the stresses of all of all involved during the allegations process.
- 9.1.2 Unless there is an objection by external agencies i.e. the police or social care services staff will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action. Staff will be advised to contact their trade union representative, if they have one, or a work colleague for support.
- 9.1.3 The Headteacher will appoint a named point of contact who will keep the member of staff who is subject to the allegations informed of the progress of the case and to consider other appropriate forms of support.
- 9.1.4 Throughout the process staff will have access to the Schools counselling, welfare and wellbeing arrangements. Details of the Schools 'Health and Wellbeing' policy can be obtained from the School office. For suspended staff arrangements should be made via the named contact.
- 9.1.5 Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

9.2 Parents/Carers

- 9.2.1 Parents or carers of the child(ren) involved should be told about the allegation as soon as possible if they do not already know of it. If a strategy discussion is required, or police or local authority children's social care services need to be involved, the Headteacher will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents/carers.
- 9.2.2 Parents will be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Before deciding what information is to be disclosed the Headteacher will give careful consideration to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, will not be disclosed by the Headteacher, the parents/carers will be informed in confidence of the outcome.
- 9.2.3 In accordance with section 141F of the Education Act 2002, the Headteacher will make parents/carers aware of their requirement to maintain confidentiality about any allegations made against staff throughout the investigation.

10. Confidentiality

- 10.1 With regard to the Education Act 2002 the School will make every effort to ensure that confidentiality is maintained and to guard any unwanted publicity throughout the process.
- 10.2 The Headteacher will take advice from the Designated Officer, police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it may arise.

10.3 Any enquiries from the press or media are to be immediately directed to the Headteacher.

11. Keeping records

11.1 The Headteacher will keep a clear and comprehensive summary of the allegation, the process followed and the outcome. All notes of action taken and decisions reached will be retained on the staff member's confidential personnel file, a copy of this information will be provided to the member of staff. Records will be retained until the member of staff has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

11.2 Details of any allegations that have been found to have been malicious will be removed from staff personnel records.

12. Resignations and 'Compromise Agreements'

12.1 A member of staff who tenders their resignation, or ceases to provide their services, will not prevent the School following up an allegation in accordance with these procedures.

12.2 Where required, a 'settlement agreement', made between the School and member of staff will not override the Schools statutory duty to make a referral to the Disclosure and Barring Service (DBS) and/or to the National College of Teacher and Leadership (NCTL).

12.3 On conclusion of the case or at the point where the contract of employment is terminated, where required, the Headteacher will make a referral to the DBS and/or NCTL within one month.

This policy does not form part of the contract of employment.

This policy will be kept under review in order to keep it in line with relevant legislation and modifications authorised.