Otford Primary School

Policy for Dealing with Allegations of Abuse Against Staff

Reviewed and Approved by	FGB
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Otford Primary School follows the guidelines as set out by KCC. The procedures can be found at:

https://www.kelsi.org.uk/child-protection-and-safeguarding/managing-staff-allegations

Alternatively, a hard copy can be obtained at the school office.

This document follows statutory guidance from the Department for Education when carrying out duties relating to handling allegations of abuse against teachers and other staff.

What legislation does this guidance relate to?

- the Children Act 1989;
- section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector);
- section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- the Children Act 2004;
- section 11 of the Children Act 2004 (other agencies); and
- sections 141F, 141G and 141H3 of the Education Act 2002

Introduction:

Schools and all their staff have a duty to protect the welfare of children who attend Children in schools or services can be vulnerable to the actions of employees who disregard legislation.

Equally employees in schools can be vulnerable to misplaced allegations made by pupils deliberately or innocently. This policy outlines procedures for managing situations where such allegations are made.

School procedures should not be confused with statutory investigations carried out by Social Services or the Police. Internal investigations should only be carried out once the Social Service Department and Police have concluded their involvement (either deemed unnecessary or that the allegation does not reach the level of threshold of abuse as defined by the Department of Health).

Kent Child Protection Procedure

A copy of the Kent Child Protection Committee's Child Protection procedures can be accessed at www.kcpc.org.uk

Every staff member has a statutory responsibility to report all allegations of child abuse and to alert the Designated Child Protection Lead if they suspect that child abuse may have occurred. Failure to report a child protection concern could result in disciplinary action. A referral to Social Services will ensure that the statutory agencies can fulfill their child protection responsibilities.

If an allegation of abuse is made against a member of staff the Local Authority Designated Officer (Child Protection) should be informed. The current area telephone number is 03000 410888

The Head teacher and Governors are responsible for ensuring that employees are aware of their right to report any allegation or concerns of a child protection nature. The failure to report may a) put a child at risk b) imply a breach of the employee's contractual duty.

A child who reports that s/he may have been abused by a school employee should always be listened to in all circumstances. Staff should not attempt to offer alternative explanations or question the child further.

Staff should not promise confidentiality to any child who chooses to disclose information. This should be made clear to the child whilst offering the reassurance that they have the right to be heard and taken seriously.

Any allegations or concerns should be immediately reported to the Head teacher or in her absence the Deputy Head teacher.

Employees must not attempt to destroy or obscure evidence. In the instance of the Police or Crown Prosecution Service deciding against a criminal prosecution, employees must continue to co-operate with internal disciplinary investigations.

Role of Agencies in an Investigation

There are 3 types of investigation:

1. By Social Services and the Police under the Kent Child Protection; Procedures
2. By the Police under criminal law;
3. By the school in line with staff disciplinary procedures.

For procedures regarding 1 and 2 refer to the KCC *Child Protection Procedures for Managing Allegations Against Staff* document.

The school has a duty to co-operate fully with investigations undertaken by the Police and Social Services. The LA's Children's Safeguards Service team will provide support throughout this process. School staff are responsible for supporting the alleged child victim as well as offering support for the staff member who is the subject of the allegation in line with the staff disciplinary process.

Internal Investigations: Reporting an Allegation or Concern

If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

The school should not initiate an internal investigation into an allegation against a member of staff until a consultation has taken place with the LA's Children's Safeguards Service team or Social Services.

1. When a complaint of abuse is made against an employee there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection.
2. All allegations or concerns must be immediately reported to the Head teacher or to the most senior teacher present.
3. A lead contact (usually the Head teacher) should be established.
4. In the event of the allegation being against the Head teacher then the allegation should be reported to the Governors. In this instance an immediate preliminary consultation with the Area Children's Officer must take place and the advice followed.
5. The reporting member of staff should also seek the advice of the Personnel Services Provider.
6. The Head teacher should consult with the Area Children's Officer about how to proceed. Confidentiality must be maintained.
7. Any allegation of assault beyond the guidance outlined in the Positive Handling policy must be referred to Social Services as a child protection issue.

Considering Suspension

In response to an allegation staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.

Before an employee is suspended the facts of the case must be carefully considered. The school disciplinary procedures should be referred to.

Suspension is a neutral act which can protect the interests of both parties and is not an assumption of guilt.

Suspension should be avoided wherever possible and should not be seen as an automatic response to an allegation.

The decision to suspend should be taken by the Head teacher and Governors **not** by the Police or Social Services. However, Social Services may offer advice as to the possible courses of action.

When considering suspension, the following factors should be considered:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

Suspension should only be applied if one or more of the following grounds apply:

- A child or children would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded

Any member of staff subject to an allegation should be encouraged to seek advice and support from their union at the earliest opportunity. Support should also be offered on the staff member's return to work. Suspension of a staff member should be for as short a time as possible and must be treated with sensitivity.

Alternatives to Suspension

Possible alternatives could be:

1. Leave of absence
2. Change of duties which do not involve direct contact with the individual child/ children
3. Providing a classroom assistant to be present throughout contact time.

Any individual subject to allegations should, regardless of the decision to suspend or otherwise, be offered welfare support. The duty of care requires the Head teacher to ensure that appropriate support is available to the member of staff.

Agreement must be reached with Education Personnel (and the Police if appropriate) as to how information is shared and maintained with the member of staff throughout the investigative process. This should include agreement as to:

- How the member of staff will be kept updated about the progress of the investigation
- How support and counselling will be offered
- How links will be maintained with the school so that the staff member is kept informed of other school matters

Confidentiality

The Head teacher, Governors LA officers have a responsibility to safeguard confidentiality as far as possible. Sensitive information must only be disclosed on a need to know basis with other professionals involved in the investigative process. Consideration should be given about how to manage information with respect to parents, carers and the media.

Guidance regarding supporting parents and children will be ascertained from the LADO should an allegation be made.

Planning and Recording

A record must be made of all agreed action and the strategies used including the rationale behind them. Any plan must consider:

- Any restrictions to normal contact or activity
- Issues of contact with children
- Arrangements for monitoring and welfare support in relation to the member of staff
- Monitoring the support available for the child

The LA office must keep a record of any actions taken during the investigation. The process and conclusion of suspension should be undertaken as quickly and fairly as possible. The member of staff should be informed of the decision taken at the earliest opportunity.

Disciplinary Investigation

The disciplinary procedures should not interfere with any child protection investigation.

Once child protection investigations have been completed the Head teacher should decide whether to investigate under the disciplinary procedures. Education Personnel should be consulted prior to making a decision.

If it is considered that the Head teacher could jeopardise a fair hearing, then a nominated representative may be appointed to conduct the investigation. The disciplinary investigation should gather evidence objectively establishing facts wherever possible and following the principles of fairness, reasonableness and natural justice.

If allegations of child abuse are received against an employee at school the Area Children's Officer will take responsibility for ensuring that relevant information is made available in order to inform a decision about a possible disciplinary investigation.

Evidence such as statements/ video recorded interviews may be requested for use in subsequent disciplinary proceedings.

The Children's Safeguards Service or the Kent Police Solicitor's Department will advise on the release of material.

If the decision is taken to proceed with a disciplinary investigation the employee should be informed, in writing, as required under the disciplinary procedure. A meeting should take place to confirm this with the employee and their union representative.

If the decision is taken not to proceed with a disciplinary investigation the employee should be informed, in writing, as required under the disciplinary procedure. A meeting should take place to explain the circumstances of the decision with the employee and their union representative.

The school will make appropriate arrangements to notify the parent/carer of the child/ren of the outcome of the investigation and will seek advice from Education Personnel and the Area Children's Officer regarding the nature of information that can be disclosed.

Referral to the Secretary of State for Inclusion in List 99

Retention of Records

Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.

Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed)

If allegations are upheld a record will also be retained on the individual's personnel file held by the employers.

The employee and their representative will be informed that such records exist and have the right to seek disclosure within the parameters of the Data Protection Act by putting their request in writing.

Where an allegation is upheld, a copy of the statement or record should be kept on the section of a pupil's child protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil

proceedings, records may be subject to disclosure and therefore no assurances can be given on confidentiality.