

New Christ Church Primary School

Allegations against Teachers, other staff and volunteers

Introduction

All schools are under an absolute duty to promote and safeguard the welfare of children at the school and to have due regard to the guidance issued by the Secretary of State in doing so.

New Christ Church Primary School takes this responsibility seriously and therefore will ensure that any allegation of abuse made against a teacher, other member of staff or volunteer in the school is dealt with fairly, quickly and consistently, in accordance with DCSF Guidance.

This procedure must be used in any case where it is alleged that a teacher, other member of staff or a volunteer in the school has:

- Behaved towards a child or children in a way that has harmed 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 s/he is unsuitable to work with children.

This policy links to the school's:

- Child Protection policy.
- Staff code of conduct.
- Staff disciplinary policy.
- Health and safety policy.
- Confidentiality policy.

All members of staff, including volunteers, are made aware of this policy during induction.

How Concerns Arise

Concerns about the possible abuse of children by staff will usually arise in one of two ways:

- A direct allegation by a child or a third party, such as a parent.
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially/actually abusive.

In either case, the concern **must** be recorded in writing and reported to the Head Teacher immediately unless the allegation is about the Head Teacher in which case it must be reported to the Chair of Governors.

If the Head Teacher is absent, the allegation should be reported to the Deputy Head Teacher or delegated Teacher in Charge.

As this is a statutory duty, we expect all members of staff in the school, where they have concerns, to report them in accordance with this policy

Initial Action

The Head Teacher or Chair of Governors will ensure that they have a full understanding of what is being alleged (from the member of staff or third party), only speaking to the child if this is unavoidable or it is the child making the allegation.

No-one in the school may investigate the incident by interviewing either those directly involved or any witnesses; to do so could prejudice a fair hearing at a later date.

The Head Teacher or Chair of Governors will simply establish that:

- An allegation has been made.
- The general nature of the allegation.
- When and where the incident is alleged to have occurred.
- Who was involved.
- Any other persons present.

The matter will not be discussed with the person who is the subject of the allegation at this stage.

Consultation and Referral

It is important to ensure that even allegations that appear to be less serious are seen to be followed up and taken seriously, and that they are examined objectively by someone independent of the school concerned.

If the allegation meets any of the criteria set out in paragraph 1, the Head Teacher or Chair of Governors must report it to the Local Authority Senior Officer on the same day (LADO).

If it is not clear whether the threshold for referral has been reached, the Head Teacher or Chair of Governors may consult with the LADO before a formal referral is made.

Initial Consideration of the allegation

The LADO's first step will be to discuss the allegation with the Head Teacher or Chair of Governors to confirm the details of the allegation and establish that it is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed.

In some circumstances, the school may need to advise parents of an incident involving their child straight away; for example if the child has been injured while at school or in a school related activity and requires medical attention.

The Head Teacher will inform the accused person about the allegation as soon as possible after consulting with the LADO. However, where a strategy discussion is needed, this will be deferred until after consultation with Police and RBC Child Protection Investigation Team, and there is agreement about what information can be disclosed to the person.

If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

Strategy Meeting/Evaluation with Police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to Thames Valley Police Child Abuse Investigation Unit and a strategy meeting planned. A strategy discussion will be convened in accordance with 'Working Together to Safeguard Children'

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Enquiries and assessment under Section 47 of the Children Act 1989 if a child is in need of protection, or under Section 17 of the Children Act 1989 if the child appears to be in need of services
- Consideration by the employer of disciplinary action in respect of the individual

A senior representative of the school (Head Teacher or Chair of Governors) will attend any strategy meeting, unless there are good reasons not to do that, and provide information about the circumstances and content of the allegation and the pupil and member of staff concerned.

Suspension

The possible risk of harm to children posed by an accused person needs to be assessed and managed – in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

Suspension will be considered in any case where:

- There is cause to suspect a child at risk of significant harm.
- The allegation warrants formal investigation by the police.
- There is likelihood that evidence may be tampered with or witnesses intimidated.
- The allegation is so serious that it might be grounds for dismissal.

The school will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved.

In deciding whether to suspend a member of staff, the school will consider advice given at the strategy meeting and any risk assessment.

Action where police or Local Authority investigation is not necessary

If the complaint or allegation is such that:

- It is clear that a criminal and/or child protection enquiries are not necessary, or
 - The strategy discussion or initial evaluation decides that is the case
- the Head Teacher or Chair of Governors will discuss next steps with the LADO.

In these circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action or giving professional advice as part of an informal warning

to conducting formal disciplinary action that could lead to dismissal or lesser formal warning.

If the nature of the allegation does not require formal disciplinary action/investigation the Head Teacher will institute appropriate action within three working days. This would normally be professional advice or an informal warning – although a record will be kept of this.

Where further enquiries will be needed to enable a decision about how to proceed, the Head Teacher and Chair of Governors will agree with the LADO how and by whom the investigation will be undertaken.

In straightforward cases such investigation should normally be undertaken by a senior member of the school staff. However, in other circumstances, lack of appropriate resource within a school or the nature or complexity of the allegation will require an independent investigator.

On receipt of the report of the disciplinary investigation, the Head Teacher or Chair of Governors should consult the LADO and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

Action where police or Local Authority investigation is necessary

The police or Crown Prosecution Service should inform the school and LADO straightway:

- If it is decided to close an investigation without arrest or charge, or
- If it is decided not to prosecute after the person has been charged, or
- When a criminal investigation and any subsequent trial is complete.

In these circumstances the LADO will discuss with the Head Teacher and Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and LA will inform that decision

Referral to DCSF

If on conclusion of the case the school ceases to use the person's services, or the person resigns or ceases to provide his/her services, the school will consult the LADO/LA HR about whether a referral to DCSF for barring is required. If a referral is appropriate the report will be made within one month.

Supporting those involved

The Head Teacher or Chair of Governors will notify parents/carers of a child or children involved as soon as possible if they do not already know of it, subject to Section 5. The deliberations of a disciplinary hearing and the information taken into account in reaching a decision will not normally be disclosed, but parents/carers of the child should be told the outcome.

The school will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual.

Access to counselling services should be provided and if the person is suspended, the school should also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

Confidentiality

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. No-one in the school should provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. No-one in the school may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

Resignation and Compromise Agreements

Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still be completed in accordance with this policy.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process.

The school will not enter into 'compromise agreements' by which a person agrees to resign and the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference.

Record Keeping

If anyone in the school has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the Head Teacher or Chair of Governors as soon as practicable. The Head Teacher will ensure that:

- There is a clear and comprehensive summary of any allegations made.
- Details of how the allegation was followed up and resolved.
- A note of any action taken and decisions reached is kept on a person's confidential personnel file and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference.

At the conclusion of the investigation, if the person under investigation is exonerated, the school will write to the person to confirm this and send a copy to the LADO and place a copy on the person's personnel file.

Timescales

The school will endeavour to follow the timescales set out in this policy for such investigation as long as this is consistent with a fair and thorough investigation.

However, it is acknowledged that serious and complex investigations are unlikely to be resolved quickly, particularly where specialist evidence is needed to the matter comes to a contested trial.

Oversight and monitoring

The school will work closely with the LADO to follow all procedures properly. The school will co-operate in providing statistical information required by LADO for DCSF returns and Local Safeguarding Children Board monitoring purposes.

Actions on conclusion of a case

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the school will consider how best to facilitate that.

Learning Lessons

At the conclusion of a case in which an allegation is substantiated the Head Teacher and Chair of Governors will review the case with LADO to determine whether there are any improvements to be made to the school's or LSCB procedures or practice to help prevent similar events in the future.

Action in respect of malicious allegations

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against the pupil who made it. The police will be asked to consider whether any action may be appropriate against the person responsible if s/he was not a pupil.

Allegations concerning staff not directly employed by the school

In some cases, the school will need to consider an investigation case in which normal disciplinary procedures do not apply and may need to act jointly with another organisation. That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business or against a person employed by a contractor or a volunteer provided by a voluntary organisation. In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self employed.

Although in those cases the school will not have a direct employment relationship with the individual, the school will co-operate fully in an investigation and in reaching a decision about whether to continue to use the person's services or to provide the person for work with children in the future, and whether to report the person to the DCSF.

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