



# **South Street Community Primary School**

## **Handling Allegations of Abuse made against Employees**

### **Policy and Procedure**

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# The Policy

## 1. Introduction

- 1.1. The Department for Education places a statutory duty on South Street Primary School's Governing Body to ensure that all complaints and allegations of abuse against employees, where there is a child welfare concern, are dealt with appropriately.

## 2. Aim

- 2.1. This Policy sets out the basis on which the Governing Body will handle allegations of abuse against employees.
- 2.2. The Governing Body of South Street Primary School recognises that it is essential that any allegation of abuse against employees is dealt with fairly, quickly, and consistently in a way which provides effective protection for the child and at the same time supports the employee who is the subject of the allegation.

## 3. Scope

- 3.1. This Policy applies to all employees of the School and for the purposes of this Policy "employees" includes volunteers and supply staff on or off the School's premises or sites.
- 3.2. Employees within the School have daily contact with children in a variety of situations, including the wider care role and are likely to be vulnerable to allegations of abuse being made against them. These allegations may be substantiated; however, they may also be false, malicious, unfounded, or unsubstantiated. The Governing Body is committed to investigating all allegations regardless of the motives.
- 3.3. The School will:
  - make it clear that all allegations will be reported immediately;
  - ensure there is an employee designated as the Safeguarding Lead within School;
  - ensure a member of the Governing Body is nominated to deal with matters relating to Safeguarding;
  - ensure that procedures are in place for the reporting of allegations to the Local Authority Designated Officer (Designated Officer);
  - ensure that a child who reports any potential abuse will be listened to.

## 4. Responsibilities

- 4.1. The Governing Body will:
  - promote high standards of educational achievement within the School;

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- ensure that rigorous recruitment and induction processes are in place to appoint suitable candidates;
- nominate the Chair or Vice Chair to deal with matters relating to Safeguarding;
- ensure the School has appropriate Child Protection policies and procedures;
- be responsible for the conduct of any investigations into allegations made against the Head Teacher;
- ensure nominated Governors attend appropriate training;
- ensure confidentiality of information from all parties involved.

### 4.2. The Head Teacher will:

- act as the Safeguarding Lead or allocate the role to an appropriate employee;
- be familiar with all Child Protection legislation, guidance and procedures;
- ensure that all employees are aware of their right to report any allegations or concerns of a safeguarding nature;
- ensure the Safeguarding Lead has access to appropriate training in the role.

### 4.3. The Safeguarding Lead will:

- be the Head Teacher or a member of the Senior Leadership Team;
- undertake any training relating to handling child protection issues
- report all allegations to the Designated Officer;
- carry out an initial investigation of the allegation and record appropriate details;
- be the Investigating Officer should there be a need for a formal investigation into the allegation;
- co-ordinate any activities regarding child protection issues within the School;
- liaise with all agencies over suspected child abuse;
- assist the Police with their investigations, if necessary.

### 4.4. The Designated Officer will:

- advise the School if any allegation meets the threshold for safeguarding procedures to commence;
- establish contact with all agencies i.e. Police, Social Services and other external agencies;
- be the Council's point of contact;
- obtain an initial view from the Police on whether a potential criminal act has occurred.

### 4.5. The Employee will:

- report all allegations of child abuse in line with their statutory responsibility;

## The Policy

- undertake training relating to handling child protection issues;
- fully engage in any and all meetings needed to complete investigations into an allegation.

### 5. Record Keeping

5.1. Information regarding an allegation will be confidential to the employee concerned, the Safeguarding Lead, Head Teacher and the nominated Safeguarding member of the Governing Body.

5.2. Records will be retained as follows:

- allegations that are found to have been false or malicious will be removed from personnel records and cannot be referred to in Employers' references;
- allegations that are not substantiated or are unfounded will be retained on the personnel record and a copy of the record provided to the employee concerned but will not be referred in Employers' references;
- allegations that are upheld will be retained on the personnel records, a copy provided to the employee concerned and will be referred to in Employers' references.

5.3. Any records retained will be held until the employee reaches normal retirement age or for a period of 10 years from the date of the allegation, whichever is the longer.

### 6. Review

6.1. This Policy was agreed by the Governing Body of South Street Primary School on 12 January 2016. It will be reviewed where necessary to take account of changes to any relevant legislation and/or advice issued by the Council.

# The Procedure

## 1. Introduction

- 1.1. This procedure will be adopted in all circumstances when handling allegations of abuse against employees of the School. A copy of this procedure will be provided to all employees when they commence employment.
- 1.2. The timescales for investigating and resolving individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegations.

## 2. Reporting of Allegations

- 2.1. Concerns about the behaviour of an employee towards a pupil or young person may be made in the form of a complaint or allegation. It is important to consider the details of the allegation. Any complaint with a safeguarding/child protection element should be responded to as a safeguarding allegation in the first instance.
- 2.2. Concerns may be raised in a number of ways:
  - direct disclosure by the pupil or young person;
  - indirect disclosure e.g. through written/art work or through friends;
  - a complaint from a parent/carer to:
    - The School
    - The Council
    - Social Services
    - Police
  - reports by agencies;
  - anonymously.
- 2.3. The employee receiving the allegation must report the information to the Safeguarding Lead immediately or if the subject of the allegation is the Head Teacher or the Safeguarding Lead to the nominated Governor.
- 2.4. If an employee has concerns regarding a colleague as a first step they must report these to the Head Teacher directly, or if the concerns are regarding the Head Teacher to the Chair of Governors. Concerns can be made either verbally or in writing, a report form is attached as Appendix 1 to record the employee's concern. The form requests that the background and history of the concern/s are detailed, giving names, dates and places where possible; and the reason why the employee is particularly concerned about the situation.

# The Procedure

## 3. Initial Actions

### Referral to the Designated Officer

- 3.1. There must be an initial discussion between the Safeguarding Lead and the Designated Officer at the Council.
- 3.2. The purpose of this discussion is to consider the nature, content and context of the allegation and to agree an initial course of action. The Designated Officer will consider whether allegations meet the criteria to then consult with the Police and Social Services.
- 3.3. At this stage the Designated Officer may contact Human Resources to discuss in more detail the employment issues or may recommend that the School makes contact with Human Resources for some initial advice in relation to the employee.

## 4. Initial Assessment

- 4.1. The Safeguarding Lead or nominated Governor must carry out an initial investigation of the allegation and record appropriate details regarding the nature of the allegation, time and location, names of any potential witnesses, and brief details regarding the employee's role within school. The child who made/was the subject of the allegation must not be approached for further information at this stage.
- 4.2. The School must provide to the Designated Officer any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the employee's current contact with children outside of school (i.e. children of their own or members of organisations such as scouts or football clubs).

## 5. Outcome of Initial Actions

- 5.1. This initial sharing of information and evaluation of information may lead to a decision that no further action is to be taken from a safeguarding perspective. However, there may still be a need for investigations to continue in relation to the employee's professional conduct, inappropriate behaviour or capability in line with the School's relevant policies and procedures. At this stage Human Resources must be contacted.
- 5.2. If it is clear to the Designated Officer and the Safeguarding Lead that the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome.
- 5.3. If the decision is that the allegation regarding the employee has met the following criteria it will be dealt with as a safeguarding issue:

## The Procedure

- behaved in a way that has harmed a child;
  - committed a criminal offence against or related to a child;
  - or behaved towards a child or children in a way that indicates they would pose a risk of harm to children.
- 5.4. When the allegation meets any of the above criteria and there is a threat of significant harm, the Designated Officer will arrange a Strategy Meeting to consider all relevant information.
- 5.5. Where a Strategy Meeting is required, the Safeguarding Lead must not inform the employee(s) concerned until after the meeting has taken place. Those present at the meeting will agree what information can be disclosed to the employee(s) concerned.
- 5.6. Where a Strategy Meeting is not required the Safeguarding Lead must meet with the employee(s) to inform them that an allegation has been made, providing them with as much information as possible and that further investigations will take place.
- 5.7. The employee(s) may bring a trade union representative or work colleague to attend these meetings.

### 6. Strategy Meetings

- 6.1. Strategy Meetings are convened in accordance with the Working Together to Safeguard Children statutory guidance to ensure all relevant agencies can provide any information they have concerning the parties involved.
- 6.2. The agencies invited to the meeting are Police, Social Services, Health, the School's Safeguarding Lead, HR and Legal Services. If it is known that the employee has other connections with other organisations involved in working with children then a representative from that organisation may also be invited to attend.
- 6.3. These meetings will consider whether or not the allegation should instigate:
- a police investigation of a possible criminal offence;
  - enquiries and assessment by Social Services about whether or not a child is in need of protection or support;
  - internal investigations to commence into any possible professional misconduct under the School's Disciplinary Policy and Procedure;
  - or no further action.
- 6.4. If, at the initial Strategy Meeting, the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome. The School may wish to consider taking appropriate action against the complainant where the allegation is found to be malicious.

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- 6.5. If, at the initial Strategy Meeting, further investigation is necessary, by either the Police or the School, there will be a requirement to arrange further Strategy Meetings to discuss any new information and review the allegations in light of this.

### 7. Actions following Strategy Meeting(s)

- 7.1. The following actions may be necessary depending on the discussions held within any Strategy Meeting arranged and therefore may occur at different stages, subject to each individual case.

#### Suspension from Work

- 7.2. The School will need to decide whether or not the employee should be suspended from work. The decision to suspend will be taken by the Head Teacher or the Chair of the Governing Body. The considerations for suspension are detailed in the School's Disciplinary Policy and Procedure; the School will abide by these and will consult with Human Resources prior to making any decision on suspension.

#### Support for the Employee

- 7.3. A named representative from the School should be appointed to keep the employee who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate. This support may be in the form of counselling services. Where employees are suspended from work they should be contacted regularly to ensure they are kept informed of the investigation process and of any work related issues.

#### Police Investigation

- 7.4. A Police investigation will be deemed appropriate when an employee has potentially committed a criminal offence against or related to a child. Any investigation by the Police will take priority and therefore the School's investigation will be suspended pending the outcome. The outcome of the Police investigations will be shared at a follow up Strategy Meeting.
- 7.5. Once the Police have completed their investigations and any subsequent prosecutions, the School will commence an investigation into the employee's professional conduct under the School's Disciplinary Policy and Procedure. This occurs in all circumstances whether Police investigations result in cautions, orders, convictions or no further action.

#### The School's Investigation

- 7.6. The School will conduct the investigation into the employee's professional conduct under the School's Disciplinary Policy and Procedure.

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- 7.7. In addition to the normal processes for investigation, the School may consider it necessary to request information from the Police in order to assist with these investigations. The School must obtain consent from any employee involved in the Police investigation to obtain information they supplied to the Police. Human Resources, on behalf of the School, will forward consent to the Police Disclosure Unit and request all information held.
- 7.8. The investigation conducted by the School will be clearly separated from the child protection and criminal investigations. Whilst the School's investigation can be informed by the child protection and criminal investigations, all must remain separate due to the fact that child protection and criminal processes have different objectives and thresholds for further action.

### Disciplinary Action

- 7.9. The School may determine that an employee's professional conduct has fallen below the expected standard required and therefore may take disciplinary action against the employee. In these circumstances the School will abide by the levels of sanctions available to them under the School's Disciplinary Policy and Procedure.

## **8. Action Following Investigation or Disciplinary**

- 8.1. On the conclusion of any investigation and/or any disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome. The School will only disclose such information as is necessary and that does not breach employee confidentiality.
- 8.2. The School will ensure that the appropriate support and, where necessary, training is in place for any employee returning to work.
- 8.3. The School will discuss with the Designated Officer, Human Resources and the Safeguarding Support Unit whether a referral to the National College for Teaching and Leadership (NCTL) and/or the Disclosure and Barring Service (DBS) is required.
- 8.4. The School has a legal requirement to make a referral to the DBS where an employee has engaged in conduct (including sexual conduct) that harmed (or is likely to harm) a child or if the employee otherwise poses a risk of harm to a child.
- 8.5. The School has a duty of care to refer even where an employee resigns pending an investigation or disciplinary.

# Appendix 1

## Confidential Reporting of Safeguarding Concerns ("Whistleblowing")

### Report Form

The School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns about any aspect of the School's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. If you wish to make a report please use this form.

<p><b>Your Name/ Contact Telephone number</b> You are encouraged to provide your name with this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible. – The recipient of the form will attempt to preserve confidentiality</p>	<p><b>Name:</b> ----- <b>Address:</b> ----- ----- <b>School:</b>----- <b>Contact Tel No:</b>----- <b>Date:</b> -----</p>
<p><b>The names of those involved (if known)</b></p>	

## Appendix 1

**Background Details:**

Please provide full details of the background to the concern; names, dates and places and the reason why you are concerned – (continue on separate sheet if necessary)

## Appendix 1

**Please state the reasons why you are particularly concerned about the situation.**