

**Procedures for Dealing with
Allegations Against Staff**

Name and Designation of Policy Author(s)	Nina Chwastek, Headteacher		Is this a Statutory Document
			Yes
Approved By (Committee / Group)	Full Governing Body		
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Target Audience	Staff, Parents and Carers		
Links to Other Strategies, Policies, Procedures, etc.	Safeguarding Policy, Whistleblowing Policy, Confidentiality Policy		

Version History

Date	Ver	Author Name and Designation	Summary of Main Changes
Sept 2017	1	Nina Chwastek, Headteacher	Policy drawn up with support from One Education HR in compliance with legislation and regulations.

Monitoring Compliance with the Policy

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
This policy is fully accessible by members of staff and Governors	100%	Annual review of all grievance issues	Chairs Committee	Annually	Chair of Governors
Procedures and record keeping follow the policy	100%	Documentation reviewed	Chairs Committee	Annually	Chair of Governors

Mission Statement

Our school community is rooted in the Gospel and the vision of St. Catherine of Siena.

This inspires each of us ***'To be who God wants us to be and so set the world on fire.'***

- We are called to love one another as we seek to be the best in all that we learn and do.
- We celebrate and nurture the gifts, talents and skills of everyone.
- We commit ourselves to grow together in faith, love and service.

1. Introduction

St Catherine's RC Primary School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegation of abuse against a member of staff or volunteer in the school is dealt with thoroughly and efficiently maintaining the highest level of protection for the child whilst also providing support to the person who is the subject of the allegation.

This procedure is designed to ensure that all staff, pupils 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.

This procedure is in line with statutory guidance from the Department for Education (DfE) and also the framework for managing cases of allegations of abuse against people who work with children, which is set out in the Working Together to Safeguard Children - a guide to inter-agency working to safeguard and promote the welfare of children March 2015.

This procedure will be used alongside the School's Safeguarding Policy and Disciplinary and Dismissal Policy.

2. LEGISLATION/Framework

This procedure takes account of the following legislation:-

- 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)

3. Purpose

This procedure will be used in any case where it is suspect or alleged that a member of staff or a volunteer at the school has:-

- Behaved in such 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 is unsuitable to work with children.

It is essential that any allegation of abuse made against a teacher, or other member of staff or volunteer is dealt with as quickly as possible, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is subject to the allegation.

4. Procedure

4.1 Reporting an Allegation

All concerns of poor practice or possible child abuse by staff must be reported immediately to the Headteacher. Complaints regarding the Headteacher should be reported to the Chair of Governors. All allegations against staff should be investigated in line with the School Disciplinary and Dismissal Policy.

The Headteacher (or other relevant senior leadership team member) will then immediately contact the Designated Officer (DO) formerly known as the Local Authority Designated Officer (DO) who has a statutory duty to ensure all allegations about safeguarding are handled properly and expeditiously. The Headteacher will also seek advice from the school's HR provider.

Where appropriate, a strategy meeting will be arranged by the DO to determine whether the allegation should be investigated by the police or by some other agency or by the school under its disciplinary procedure. The strategy meeting may be attended by the relevant Local Authority officers, the police and the Headteacher (or a designated governor if the allegation is against the Headteacher). An HR representative or other professional adviser may also attend the meeting with or on behalf of the school.

In the strategy meeting or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

A full disciplinary investigation should not be started by the school until recommendations have been made with regard to next steps at or following the strategy meeting. To do so could potentially compromise investigations by the police or the Local Authority.

4.2 Investigation

If after initial discussions with the DO, or after an initial strategy meeting, or at some later stage it is decided that it is appropriate for the school to proceed with the matter under the school's disciplinary procedures, the school should take account of any recommendations from the strategy meeting and should liaise with the DO as appropriate.

4.3 Supporting Those Involved

4.3.1 The Employee

The Governing Body as the employer has a duty of care to its employees and will do everything within its power to manage and minimise the stress of any allegation and the disciplinary process. The person who is subject to investigation will be informed as soon as possible after an allegation has been made. 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.

A named representative will keep the employee informed of the progress of the case and any other work-related issues. The employee may need additional support and the school will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved they may provide additional support.

4.3.2 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.

Parents and carers will, where possible, be advised of progress during an investigation and, where there is no criminal prosecution, will be notified of an outcome. Details of any disciplinary investigation or hearing are however confidential (see also paragraph 6 below). Social services and/or the police may be involved and may provide the school with advice on additional support the child may need.

5. Suspension

No member of staff will be suspended without serious consideration being given to the circumstances and suspension will not do be an automatically response to an allegation being made. Depending on the nature of the case, it may be possible that alternative arrangements can be made so that the individual can continue working. Only the governing body or the Headteacher (by delegated power) is authorised to suspend an employee of the school. The Headteacher will seek HR advice before carrying out a suspension. Where suspension is considered to be appropriate the employee will receive written confirmation of this within one working day and will be informed of the reason for the suspension. This will be reviewed in accordance with the school's Disciplinary and Dismissal policy.

6. Confidentiality

Every effort will be made to guard the privacy of all parties during and after any investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of a member of staff who is subject to an allegation.

7. Resignations and 'Settlement Agreements'

If an employee resigns when an allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. The employee will be given full opportunity to answer the allegation(s). Settlement Agreements **will not** be used in situations which are relevant to these procedures (point 169, Keeping Children Safe in Education).

8. Record Keeping

If, after investigation an allegation is found to be malicious, it will be removed from the record of the employee concerned. For all other allegations, records of investigations and outcomes will be kept securely in accordance with data protection regulations. The records 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.

9. References

Cases in which an allegation was proven to be unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

10. Action following a Criminal Investigation or a Prosecution

The police or the Crown Prosecution Service (CPS) should inform the school and DO straightaway when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged.

In those circumstances the DO should discuss with the Headteacher whether any further action, including disciplinary action, is appropriate and if so how to proceed. The school will also seek advice from their HR provider in these circumstances.

11. Action on Conclusion of a Case

Where an allegation(s) against an employee is/are substantiated it may be necessary to make a referral to the appropriate Statutory Regulatory Authority.

Schools are legally required to refer cases to the Disclosure and Barring Service (DBS) in cases where an employee has been dismissed on the grounds of misconduct which has harmed, or placed at risk of harm, a child or a vulnerable adult.

Where an employee is dismissed in the above circumstances **or** would have been dismissed had he/she not resigned, retired, been made redundant or transferred to a post not involving a regulated activity, and where the circumstances of the case meet the relevant thresholds, the details of the case **must** be referred to the DBS.

Teachers who are dismissed on the grounds of misconduct relating to:-

- unacceptable professional conduct;
- conduct that may bring the profession into disrepute; or
- a conviction, at any time, of a relevant criminal offence;

must be referred to the National College for Teaching and Leadership (NCTL) which will consider whether a prohibition order is appropriate. Referral **also** applies where a teacher would have been dismissed (on the basis of evidence gathered in the investigation) **had they not** resigned, retired, or otherwise left their post.

12. Action in the case of a False or Malicious Allegations

Where an allegation is proved to be false, the Headteacher and Chair of Governors may refer to social services to determine whether the child is in need of support or has been abused by someone else. The school's behaviour policy sets out the disciplinary action that may be taken against pupils who are found to have made malicious accusations against school staff. The Headteacher may consult the school governors when considering action to take. If the claim has been made by a person who is not a pupil, the school will pass the information to the police who may take further action against that person.

13. Follow Up Action

No matter what the outcome is of an allegation of abuse against a member of staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help it deal with cases in the future.