

Procedures for dealing with allegations of abuse against staff

Believing in Excellence means that the school has key values that all members of our school community live by. These are:

- Respect;
- Resilience;
- Responsibility.

These values apply to three important spheres of life:

- Believing in Excellence for ourselves;
- Believing in Excellence for others;
- Believing in Excellence for our environment.

Date of Policy	January 2016
Date agreed by Governing Body	January 2016
Date of next review	January 2019
Lead Member of Staff	Peter Marchant, Headteacher

Introduction

The Cavendish School is committed to providing the highest level of care for both its students and its staff. It is extremely important that any allegations of abuse against any member of staff, or volunteer in our school, is dealt with thoroughly and efficiently, maintaining the highest level of protection for the student, whilst also giving support to the person who is the subject of the allegation.

Our policy is in line with statutory guidance from the Department of Education. This policy is designed to ensure that all staff, students and parents/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. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Headteacher immediately or to the Chair of Governors where the Headteacher is the subject of concern. All allegations will be taken seriously and investigated immediately by a senior member of staff.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside any other relevant school policies ie School's Complaints Policy.

This policy will be used where it is suspected or alleged that a member of staff or a volunteer at the school has:

- behaved in such a way that may have harmed or intended to harm a student
- acted outside of the law in relation to dealings with a student
- behaved in any way that suggests they may be unsuitable to work with students

Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- minimise the risk to the student
- minimise the impact on the student's academic progress
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Procedure

All concerns of potential abuse or possible student abuse by staff should be reported immediately to the Headteacher or the Chair of Governors if the issue concerns the Headteacher. The Local Authority Designated Officer (LADO) will be contacted.

All staff must remember that the welfare of the student is paramount and must report any concerns immediately. It is only in this way that any misunderstandings can be resolved promptly, the welfare of students secured and reputations maintained.

The LADO will discuss the situation with the Headteacher/Chair of Governors and decide whether:

- no further action is needed
- a strategy discussion should take place
- there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the student, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police. (LADO, Children's Safeguarding Unit 01323 466606)

Investigation

An investigation into the allegations will normally be carried out by the School, Local Authority (LA) or by the police, but the School will co-operate with any external body assigned to investigate. A senior member of staff from the school will obtain direct evidence of the allegation. This will include written statements from those involved and contemporaneous notes. The Headteacher will use this information to support any investigation.

Where the school is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

Parents and carers will be notified if their student makes or is involved in an allegation against staff if they do not already know. However, if the police or LA are to be involved, the school will be contacted first and will be advised as to what information may or may not be disclosed to the parents.

Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome. If the LA and the police are involved they will provide the school with advice on what type of additional support the student may need.

The school's Confidential Reporting (Whistleblowing) Policy, which is available on the staff intranet, enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The Employee

The Cavendish School has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the allegation will be informed as soon as possible once the allegation has been made, by the Headteacher.

The employee will then be advised on what the next course of action will be. However, if the police or LA 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 person under investigation informed of the progress of the case and any other work-related issues. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the school should consider what

might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

The school will make every effort to guard the privacy of all parties during and after an 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 someone who is the subject of an allegation before they are charged or summonsed.

Suspensions

The school will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the student making the allegation. A suspension may be decided upon if it is deemed that the student or other students may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Headteacher/Chair of Governors holds the power to suspend an employee but will be advised by the police and/or the LA whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within two working days and will be informed of the reason for the suspension.

In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school, it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL (National College for Teaching and Leadership) investigation.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation. Compromise agreements will not be used in situations which are relevant to these procedures.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the school to:

- provide all the necessary information for future schools if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 7 years if that will be longer, from the date of the allegation. Allegations that are not proven will not be kept on employment records or used in employee references. Details of any allegation made by a student will be kept in the confidential section of their record.

Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the school to the Independent Safeguarding Authority. The school will be advised on this by the police and/or the Local Authority. If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the student who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and student.

Action in the case of false allegations

Where an allegation is proven to be false, the Headteacher and Chair of Governors may refer to the Local Authority to determine whether the student is in need of special care, or to help to understand if they are being abused elsewhere. If an allegation is found to be intentionally factitious and malicious, the Headteacher will decide what the appropriate sanction will be for the pupil who made the false allegation.

The school's behaviour policy sets out the disciplinary action that will be taken against students who are found to have made malicious accusations against school staff. The Headteacher may wish to include the school governors when considering what action to take. The school has the power to suspend or expel students who make false claims, or refer the case to the police if the school thinks a criminal offence has been committed. If the claim has been made by a person who is not a pupil, the school will hand the information over to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against 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 to prevent similar cases in the future.

Monitoring and Evaluation

Monitoring arrangements for the effective implementation of the policy and any review of cases will be discussed and evaluated through a scrutiny meeting between the Headteacher and Governors. The results of this meeting will determine whether any amendments are required to any school procedures or policies.