

Herne Bay High School's Allegations of Abuse against Staff

Policy reviewed by	J Boyes	Date of last review	June 2022	Date of next review	June 2023	Date of policy ratification by Governors	July 2022
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Purpose of policy

Herne Bay High 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 teacher, any other member of staff, or volunteer in our school is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child, whilst also giving support to the person who is the subject of the allegation.

This policy is in line with statutory guidance from the Department of Education and is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegation of abuse in order that all complaints are dealt with as consistently and 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 Principal immediately or to the Chair of Governors where the Principal is the subject of concern.

As outlined above, the school will be bound by the statutory guidance Keeping Children Safe in Education (KCSIE) and if there is any conflict between this policy and KCSIE, the statutory provisions in KCSIE will prevail. This policy is used in conjunction with the Whistleblowing Policy, Disciplinary Procedure and Staff Code of Conduct.

INTRODUCTION

The procedure for dealing with allegations against staff (regardless of whether the alleged incident occurred in school or outside of school hours) 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 the school's Complaints Policy and The Child Protection and Safeguarding Policy and Prevent Strategy.

This policy will be used in any case where cases of allegation indicate that a person would pose a risk of harm by meeting the harm threshold, where it is suspected or alleged that a member of staff, a teacher or a volunteer at the school has:

- behaved in a way that has harmed a child or may have harmed a child. The Child Protection and Safeguarding Policy and Prevent Strategy outlines what it means to harm a child and acting outside of the law in relation to dealings with a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicated they may not be suitable to work with children.

Allegations/concerns that do not meet the harms threshold – 'low level concerns' will be managed in line with our Disciplinary Procedure and our Staff Code of Conduct.

TIMESCALE

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

- minimise the risk to the child;
- minimise the impact on the child'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 poor practice or possible child abuse by staff should be reported immediately to the Principal who will liaise with the Designated Safeguarding Lead and notify the Chair of Governors. Complaints about the Principal should be reported to the Chair of Governors who will then contact the Local Authority Designated Officer (LADO) and the Chair will also liaise with the Designated Safeguarding Lead. Whilst staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation and may worry that they have misunderstood the situation and wonder whether a report could jeopardise their colleague's career, they must remember that the welfare of the child is paramount and report their concerns immediately.

The LADO will be contacted by the Principal/Designated Safeguarding Lead/Chair of Governors and a discussion will take place to decide whether:

- no further action is needed or if a strategy discussion with the relevant authorities should take place or if an internal school procedure should be adopted; or
- there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made (subject to any restrictions on sharing that may be imposed by the authorities) and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care, the GP and police.

INVESTIGATION

An investigation into the allegation is normally carried out by children's social services or by the school or potentially by the police (if by the police, this usually prevents the school from investigating until such time the police allows the school to investigate). This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be secondary to any safeguarding investigation and may need to be delayed until the external investigation is complete.

SUPPORTING THOSE INVOLVED

The person(s) who makes the allegation and where relevant 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 be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them, including any 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. Social services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need and also any reporting/sharing restrictions that may be imposed.

The school's Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and allows for a sensitive enquiry to take place.

The employee:

Herne Bay High School has a duty of care to its employees and will do what it reasonably can to minimise the stress of any allegation made. The person who is the subject of the investigation will be informed (subject to the caveats below) as soon as the allegation has been made. The employee will then be advised on what the next course of action will be. However, if the police, LADO 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. The employee will be appointed a named representative. The named representative will keep the subject of the allegation informed of the progress of the case and deal with any other work-related issues. If that person who is the subject of the allegation has been suspended, they will be kept informed of any developments by the school. 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 steps may be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide 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 confidentiality to ensure a fair investigation with minimum impact for all parties. Any breach of confidentiality will be taken seriously and may warrant a separate 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. For these purposes it is important to understand the legislation makes clear that 'publication' includes "...any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public..."

CONFIDENTIALITY

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, Police and Children's social care services as appropriate, to agree:

- who needs to know about the allegation and what information can be shared
- how to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- what, if any, information can be reasonably given to the wider community to reduce speculation
- how to manage press interest if, and when, it arises

SUSPENSIONS

The school will not suspend a member of staff without serious consideration and will not do it automatically when an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements can be made to allow the individual to continue working, but with removal from the pupil making the allegation. A suspension may be decided upon if it is deemed that the child or other children are potentially at risk of harm, or if the nature of the case warrants a criminal investigation. The Principal or Chair of Governors hold the power to suspend an employee but will be advised by the police and or social care whether or not a

suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation of this as soon as practically possible and will be informed of the reason for the suspension. The school will take into consideration the guidance on suspension set out in KCSIE.

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 that person's cooperation. They will be given the full opportunity to answer the allegation. Settlement 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 a separate confidential personnel file of the person under investigation (so that access is restricted). This will enable the school to:

- provide all the necessary information to future schools if they require a reference. Where DBS check highlight incidences of allegations that do 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 outcome of the investigation was reached;
- The record of the investigation will be kept, including when staff members leave the organisation, from the date of the allegation for 10 years or until the person reaches retirement age, whichever is longer. Allegations that are proven to be malicious will not be kept on employment records or used in employee references; however, the records will be kept by the school in a confidential personnel file along with a copy of the outcome letter. Details of any allegation made by a pupil will be kept in the confidential section of staff personnel records.

ACTION ON CONCLUSION OF THE CASE

If the investigation results in the dismissal or resignation of a member of staff, and that staff member has also been charged with a criminal offence, a referral must be made immediately by the school to the Disclosure and Barring Service. The school will be advised on this by the police and/or social services. If the accusation is against a teacher, a referral will be made to the relevant authority, currently the Teaching Regulation Agency.

If it is decided that the member of staff is to 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 child who made the allegation is still at the school, the school will consider what needs to be done to manage contact between member of staff and the child.

ACTION IN THE CASE OF UNSUBSTANTIATED, UNFOUNDED, FALSE OR MALICIOUS ALLEGATIONS

Where an allegation is proven to be unsubstantiated, unfounded, false or malicious, the Principal and Chair of Governors may refer to social services to determine whether the child is in need of special care, or to investigate whether they are being abused elsewhere. If an allegation is found to be intentionally factitious and malicious, the Principal will decide what the proper sanction will be for the pupil who made the false allegation. The Principal may wish to include the school governors when considering what action to take. The school has the power to suspend or permanently exclude pupils who make false claims, or refer the case to the police if it appears a criminal offence may have 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. If a malicious allegation was made by a member of staff, appropriate disciplinary action will be taken where appropriate.

AFTER THE CASE

No matter what the outcome is of an investigation into an allegation of abuse perpetrated by 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 could help to prevent similar cases in the future.