

Pensby Primary School



Allegations against staff

Mrs K Brown- November 2009

Updated September 2011 / July 2012/July 2013/July 2014/July 2015/July 2016/July 2017/Sept 2018/Sept 2019/Sept 2020/Sept 21

Allegations Against Staff policy

From time to time it is to be expected that there will be allegations against staff. This policy is written to compliment the Child Protection and Safeguarding policy and set out clear steps to all staff and governors in the event of an allegation against a member of staff.

ALLEGATIONS OF ABUSE BY MEMBERS OF STAFF - INITIAL ACTION

It should be recognised that the direction of any investigation of alleged abuse by an adult within the School should not be influenced by the initial course of action taken by the child, parent/carer or colleague who reports the alleged abuse, or suspicion of abuse. It is likely that the reporting person will contact one or more of the following in order to report an incident or report their suspicion of an incident:

- A senior member of the school's staff;
- A member of the Governing Body;
- The Local Authority;
- The Police;
- The Social Care Team.

As soon as the allegation is received by any of the above personnel, the Lead Officer for Child Protection/Safeguarding within the School or Local Authority should be notified.

If a member of staff receives the initial allegation, the head teacher must be informed immediately.

If the allegation is against the headteacher, the Chair of the Governing Body must also be informed immediately. If the Chair person cannot be contacted immediately, a member of the Governing Body should be informed and should make every effort to contact the Chair person as soon as possible.

AT THIS POINT THE LOCAL AUTHORITY OFFICER (LDO) MUST BE CONTACTED FOR ADVICE. THEY BECOME THE LEAD OFFICER UNLESS THEY HAND ROLE TO THE HEADTEACHER OR ANOTHER PERSON.

The LDO is Anne King; Telephone 0151 666 5525 Mobile 07342058612

As soon as the Lead Officer is informed of the allegation the following procedures will be followed.

ALLEGATIONS AGAINST STAFF - PROCEDURES INITIATED BY THE LA LEAD OFFICER

The Lead Officer will ask that initial enquiries to check the practical details of the allegation be undertaken immediately.

The nature of the enquiries should try to establish details about the time, dates and location of the alleged abuse and the names of potential witnesses. This information should be signed and dated by the headteacher.

If this is not appropriate to the means by which the allegation has been reported, a written record of the discussion, which contained the allegation, should be made. This record should contain all the points raised and should be signed and dated.

On no account should the headteacher seek to interview either a child or children, or the person against whom the allegation has been made.

If the allegation concerns the headteacher the Lead Officer will request that this information be gathered by the Chair of the Governing Body. On no account should the Chair of the Governing Body seek to interview either a child or children, or the headteacher.

These enquiries should not constitute an investigation and should not try to establish guilt or innocence.

It is imperative that everyone who is involved with receiving the allegation maintains an open and enquiring mind.

It is essential that all personnel act in a manner and with speed commensurate with the nature and level of concern regarding the allegation.

The welfare of the child, and of other children in the school, must remain paramount but over hasty or ill-judged decisions should not be made. Rather, all parties involved in the allegation including the child and its family, should be reassured that the responsible officers will act in a careful, measured way while they follow procedures.

INITIAL ASSESSMENT OF AN ALLEGATION

The initial consultation, which takes place with the Lead Officer, could be with the headteacher who has gathered together initial details of the allegation or another person.

If the allegation concerns the headteacher the lead officer will consult with the Chair of the Governing Body.

This consultation will focus on how the matter should be taken forward and will consider the following:

- Whether the allegation has foundation;
- Whether the allegation is a potential criminal act and/or;
- Whether the child has suffered, is suffering or is likely to suffer significant harm;
- Whether the allegation represents inappropriate behaviour or poor practice on behalf of the adult;
- Whether it is absolutely clear that the allegation is demonstrably false and that it would not have been possible for the alleged abuse to have taken place.

As soon as possible following the initial assessment, the Lead Officer will offer a meeting to the parents/carers of the child/ren, UNLESS they believe that in doing so this could further cause harm/danger/injury to the child/ren.

OUTCOMES OF INITIAL ASSESSMENT

There are four possible outcomes of the initial assessment:

- Where the pupil has suffered, is suffering, or is likely to suffer significant harm an immediate referral under child protection procedures will be made to Social Services;
- Where the pupil has alleged that a criminal offence has been committed an immediate referral under child protection procedures will be made to the Police and Social Services;

- Where the allegation represents inappropriate behaviour or poor practice by a member of staff further consideration will be given to the need for this to be dealt with under disciplinary procedures;
- Where the allegation is clearly and demonstrably false consideration will be given to the management of the false allegation by the school, and where appropriate the LA and social services.

THE PROCESS OF REFERRAL

If the outcome of the initial assessment is either that the child may have suffered, is suffering or is likely to suffer insignificant harm or that a criminal act may have been committed, a referral will be made to the Police and Social Services by the LAs lead officer and a multi-agency meeting will take place.

The lead officer will also notify a senior manager within Education Personnel who will be asked to attend the meeting.

The meeting will be arranged to take place within 24 hours (whenever practicable) of the details of the allegation being received

The meeting will comprise of the following staff wherever appropriate and possible

- A manager from Social Services.
- A member of the Police Child Protection Team.
- A manager from Education Personnel.
- A representative from the school/service.
- The LA Lead Officer.
- It may also be appropriate to invite representatives from the health authority and social services to whom the child is known.
- If the child lives in another borough, it would be appropriate to invite a representative from the Social Services Department of that borough.

The meeting will conclude whether

- enquiries will be made by social services under local child protection procedures.
- police will commence investigation into a possible criminal offence.
- the matter should be dealt with under the school's or LA's disciplinary procedures.
- there is to be no further action.

If the meeting concludes that there is to be no further action then this decision must be justified and minuted accordingly.

ACTION FOLLOWING DECISION TO FOLLOW CHILD PROTECTION ENQUIRIES

The multi-agency strategy meeting will plan the conduct of enquiries.

The members of the meeting will balance the welfare of the child (which must remain paramount) and the interest of the accused member of staff.

Any Police interviews will be arranged to take place away from the school premises and to occur at reasonable times.

Consideration will be given as to whether suspension of the member of the staff is appropriate. The following criteria will be considered:

- Whether the child is at risk.
- Whether the allegations are so serious that dismissal for gross misconduct is possible.
- Whether the conduct of the investigation can proceed unimpeded by the continuing presence of the member of staff.

If suspension is to take place the headteacher or chair of governors will be supported in this action by the Education Personnel representative and the member of staff concerned will be advised to seek the advice of his/her trade union or professional organisation before commencing an interview with the headteacher or Chair of the Governing Body.

When the member of staff has been suspended by a headteacher the Chair of the Governing Body and the Director of Children's Services must be informed, formally, in writing. If the suspension is of the headteacher, the Director of Children's Services must similarly be informed in writing.

If the member of staff is employed by the school through an agency in addition to the above the Director of the Agency must be informed, in writing, of the concerns of the multi-agency meeting and of the decision to suspend the employment of the member of staff at the school.

The nominated Governor should be informed that there are child protection concerns within the school.

Following advice from the Police, a plan will be made for the headteacher or chair of the governing body to notify interested persons and explain the likely course of action. A written record should be kept of this action and how it was undertaken.

ACTION FOLLOWING DECISION TO REFER CONCERNS TO DISCIPLINARY PROCEDURES

The decision to refer to disciplinary procedures if the allegation has not proceeded to a referral under child protection procedures will be taken at the multi-agency meeting or at a time when enquiries by the police and/or social services lead to a decision not to pursue the allegation under Section 47 of the Children Act or if the Police or Crown Prosecution Service decide not to pursue the allegation down the criminal/prosecution route.

If an enquiry under Child Protection procedures continues, or if the police continue to pursue a criminal investigation, the disciplinary process must be held in abeyance.

If a disciplinary process is to take place, it must be made clear to all those involved in the investigation that this has a different objective from a child protection enquiry.

If at any stage during the disciplinary investigation new evidence emerges which would suggest the matter should be referred again to the Social Services or Police, the investigation should be halted and will only be resumed if a further multi-agency meeting is satisfied that its resumption will not interfere with enquiries.

The headteacher or Chair of the Governing Body will be supported through the disciplinary process by a senior member of Personnel staff and disciplinary procedures will be followed.

The Lead Officer will monitor the progress of the disciplinary procedures ensuring that all interested parties are kept informed of its current status.

The Lead Officer, in liaison with Personnel staff will ensure that the member of staff against whom the allegation has been made is offered counselling during the process.

ACTION FOLLOWING DECISION THAT THE ALLEGATION IS WITHOUT FOUNDATION

If it is clear that the allegation is demonstrably false the members of the multi-agency meeting will consider the possibility that the child may be experiencing abuse elsewhere which requires further enquiries and will involve the designated teacher in further consultation.

The headteacher or Chair of Governing Body will inform the member of staff orally and in writing that no further action is to be taken under disciplinary or child protection procedures.

The headteacher or Chair of Governing Body will inform the parents/carers of the outcome of the consideration of the allegation.

The headteacher, in consultation with the other members of the meeting will consider whether counselling and/or informal professional advice to the member of the staff is appropriate.

A written report should be made following the strategy consultation giving the reasons for the conclusion that the allegation is without foundation.