



Rosendale Primary School and Children's Centre

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ALLEGATIONS AGAINST STAFF POLICY¹

A statement of the procedure for responding to allegations of abuse made against members of staff, following Department for Education guidance.

Last reviewed: November 2014

Next review: 2017

SLT owner: Headteacher

Distribution: Staff and governors

1. Introduction

1.1 When managing allegations against any member of staff Rosendale Primary School will follow the guidance set out in *Safeguarding Children and Safer Recruitment in Education*², which sets out at Chapter 5 the framework for managing cases of allegations of abuse against people who work with children in education settings. This policy and the procedures therein is one part of our overall arrangements to Safeguard and Promote the Welfare of Children in line with our statutory duties set out at s175 of the Education Act 2002.

1.2 It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly, consistently and with common sense, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Thus, the procedures outlined in this policy will be followed alongside the school's complaints procedure and Child Protection Policy, as appropriate.

1.3 In adhering to the Department for Education guidance outlined above and this policy, all staff and volunteers should understand what to do if they receive an allegation or disclosure against another member of staff or they themselves witness poor practice or have concerns about the behaviour of another member of staff.

1.4 It is our policy that all allegations will be reported straight away to the Headteacher or to the Chair of Governors in cases where the Headteacher is the subject of the allegation or concern.

1.5 The Headteacher (or the Chairman of Governors where the Headteacher is the subject of the allegation) is ultimately responsible for the application of this policy within the school. However, the Headteacher may choose to delegate implementation of all or part of the policy to the Head of School.

2. Purpose

¹ Adapted from policy adopted by Christ Church governors on 27.1.11.

² Guidance published by the then Department for Children, Schools and Families coming into force on 1 January 2007

Headteacher Kate Atkins

Deputy Headteachers Kate Taylor Debbie Salmon Scott Palmer **School Business Manager** Geraldine Pusey

Chair of Governors Jeremy Baker

2.1 This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position or in any capacity. The school's complaints and Child Protection procedures may be followed alongside this policy. This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

2.2 These three tests are not mutually exclusive and one or any combination of these may be met for allegation procedures to be invoked.

2.3 It must be noted that a person's conduct towards children in their private life may be germane to their working life with children and therefore the three tests above will not only apply to conduct a person's conduct in a school or education setting but conduct in their private life as well therefore such cases will be dealt with under allegations procedures, which will include referral to the Local Authority Designated Lead Officer for Education.

3. Initial Action and Considerations

3.1 The following procedures should be followed where a disclosure is made, poor practice is witnessed and/or where there are concerns about a member of staff's conduct or behaviour.

3.2 On the day of the incident or disclosure the person receiving the disclosure or witnessing the incident will report this straight away to the Headteacher or to the Chair of Governors if the allegation is about the Headteacher.

3.3 The Headteacher, or Chair of Governors, will take notes of the allegation as reported to them including details of the staff member(s) and the child(ren) involved; also details of who made the allegation, the time and place of the alleged incident and whether there were others (children, staff or others) who may have witnessed the alleged incident.

3.4 On receiving the allegation the Headteacher, or Chair of Governors, will undertake initial inquiries to establish whether the allegation is patently false or unfounded and to gather some further initial information about the incident.

3.5 In gathering initial information the Headteacher, or Chair of Governors, will not formally interview or seek formal written statements or carry out an investigation into the matter as this is the role of the investigating agencies. The Headteacher, or Chair of Governors, will however make notes of the enquiries they make and may suggest to any staff members that they make their own contemporaneous notes as they may be spoken to by one of the investigating agencies should the matter proceed through the allegations process.

3.6 These initial enquiries will cover the 'Who', 'What', 'When' and 'Where' of the incident.

3.7 Anyone spoken to as part of the initial enquiry or subsequent allegation process will be reminded that such matters are confidential and should not be discussed with others, including colleagues.

3.8 The Headteacher will then contact the Local Authority Designated Lead Officer for Education as soon as possible and no later than one working day to discuss the allegation made, notwithstanding the following paragraph.

3.9 Where a child has suffered a serious injury or has been seriously physically or sexually abused emergency or prompt medical attention may be required to ensure the health and wellbeing of the child and to preserve or record forensic evidence. In cases of such a serious nature immediate intervention is required and the Headteacher or Chair of Governors will contact Lambeth CYPS Social Care and/or the police without delay, and then contact the Local Authority Designated Lead Officer for Education.

3.10 This initial joint discussion will determine whether the allegation is patently false or unfounded. If not patently false or unfounded a joint decision will be made for the matter to be referred to CYPS Social Care so that a multi-agency strategy meeting may be convened. This discussion will also consider whether suspension of the member of staff is warranted or whether practical alternatives to suspension can be employed.

3.11 The Headteacher will inform the member of staff about the allegation as soon as possible after consulting the Local Authority Designated Lead Officer for Education. However, where a strategy discussion is needed and CYPS Social Care and / or police may need to be involved, the Headteacher will not inform the alleged perpetrator of the allegation until other agencies have been consulted, and have agreed what information can be disclosed to the person and when. This is especially important where the possibility of a criminal investigation may be necessary so as to preserve and protect evidence.

3.12 If the allegation is about physical contact, initial evaluation or the strategy discussion will take account of the fact that teachers and certain other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s93 of the Education & Inspections Act 2006.

3.13 If the complaint or allegation is such that it is clear that a child protection investigation and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that the matter is for single agency action, the Headteacher will discuss next steps with the Local Authority Designated Lead Officer and/or Schools' Human Resources as appropriate. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence or information available. Such action may range from taking no further action to summary dismissal or a decision not to use the person's services in future. Rosendale Primary School will follow our disciplinary procedures in dealing with such matters, as appropriate, and as far as is practically possible will follow the timescales set out in the Department for Education guidance for completing an allegation matter.

3.14 In line with the provisions set out in the Safeguarding Vulnerable Groups Act 2006, it is our statutory duty to refer the outcome of any disciplinary proceedings, completed or not, relating to abuse or inappropriate conduct with or towards a child to the Independent Safeguarding Authority for their consideration; the matter may also be referred to the General Teaching Council for England (GTCE) or other professional body as appropriate.

4. Supporting Those Involved

4.1 Parents or carers of a child or children involved in any allegation incident will be told about the allegation as soon as possible if they do not already know of it; however, a discussion will be had with the Local Authority Designated Lead Officer for Education, Social Services and/or police before this happens. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. This includes the outcome of any disciplinary process. N. B. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome.

4.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, CYPS Social Care will be consulted by the Headteacher, or Chair of Governors where the allegation is against the Headteacher, to consider what support the child or children involved may need.

4.3 The Headteacher or Chair of Governors will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended the Headteacher, or the Chair of Governors, will also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

5. Confidentiality

5.1 Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated / considered.

5.2 As noted above anyone spoken to as part of the initial enquiry or subsequent allegation process or investigation will be reminded that such matters are confidential and should not be discussed with others, including colleagues. Anyone breaching this condition may be subject to disciplinary action.

6. Resignations

6.1 The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in allegation cases where the person concerned resigns or refuses to cooperate with the process.

6.2 Wherever possible the person will be given a full opportunity to answer the allegation against them and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate or resigns.

6.3 Resignation will not prevent or stall the duty to refer the matter to the Independent Safeguarding Authority for consideration, as appropriate.

7. Record Keeping

7.1 A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

7.2 Such factual information will provide clarification in cases where a future CRB disclosure reveals information about an allegation that did not result in a criminal conviction.

7.3 It should be noted that a record of all allegations against staff in all Lambeth schools and other education settings will be kept by Lambeth CYPS.

8. Timescales

8.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay, and where achievable in line with the timeframe as set out in the Department for Education guidance referred to above.