



Hilltop First School and Foundation Stage Allegations Against Staff Policy

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Allegations Against Staff Policy

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1. Introduction

Allegations of child abuse and child protection issues against staff are amongst the most difficult and potentially complex employee relations issues that any school will ever have to deal with.

All Hilltop staff and volunteers need to know and understand what to do if they receive an allegation against another member of staff, or if they themselves have concerns about the behaviour of another member of staff.

The procedure to be followed is different from those for allegations of other types of misconduct and it's important the correct response is given to minimize the further risk to those concerned.

It is essential that any allegation of abuse made against a teacher, another member of staff or a volunteer in an education setting is dealt with fairly, quickly and consistently, 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.

This policy applies in respect of **all cases** in which it is alleged that a teacher or a member of staff in a school (or a volunteer, contractor or hirer of school premises) has:

- Behaved in a way that has, 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/she may be unsuitable to work with children

Or where

- Concerns arise about the person's behavior with regard to his/her own children
- Concerns arise about the behavior in the private (or community) life of a member of his/her household

2. The Procedure for responding to an allegation

Full details about how to receive disclosures from children are in the **Hilltop Child Protection and Safeguarding Policy** and in the **Hilltop Confidentiality Policy**, and all staff are familiar with the process (at Hilltop, training in Safeguarding is taken very seriously and regular refresher courses are given). However, as the follow up response to an allegation about a staff member is different to that of a disclosure not involving a staff member, a summary of all the key points is given below:

What to do whilst the allegation is being disclosed:

- Treat the matter seriously. If the allegation is being made by a child it's important that you communicate in a manner appropriate to the child's understanding and communication style.
- Bear in mind that yours is a listening role – not an investigative one. Do not interrupt the child if he or she is freely recalling significant events. If questions are needed to clarify understanding, they should be framed in an open manner in order to not lead the child in any way. Jot down notes if you feel you can do so without affecting the discloser in a negative way but do NOT on any account ask the child/discloser to write any form of statement.
- Tell the child that they have done the right thing by telling you/ talking to you. Also remember that you are NOT able to offer absolute confidentiality, but you CAN tell the child who it is that you will need to talk to about the situation (see below).
- Avoid questioning the person/child making the allegation any further than is required to obtain a basic understanding of the matter.

Immediately after hearing the allegation

- Write a record of the information you have received, using the child's/discloser's own words where possible. State when the alleged incident took place, who was present and what was said to have

happened. Sign this record and put a date on it., and bear in mind that it may be used in any future proceedings, if any are required.

- Report the matter to the Headteacher, or Deputy Head in her absence.
OR
- If the allegation is being made against the Headteacher, then report the matter to Hilltop's Chair of Governors.

The person to whom the matter is reported will become the *Senior Designated Manager*, until the allegation is resolved.

(Please note that this is not the same as the "Senior Designated Person" for Child Protection role. Although at Hilltop it happens that the SDP for Child Protection role is also undertaken by the Headteacher.) If the Headteacher of a school is the Designated Person for Child Protection they can also have the role of SDP. This dual role can only be held by the Headteacher.

Initial action to be taken by the Senior Designated Manager

The Senior Designated Manager will **not** investigate the matter by interviewing the accused, the child / discloser or any of the potential witnesses. (It is important that the Senior Designated Manager doesn't become too 'over-involved' at this stage as it may adversely affect any subsequent child-protection investigation.)

The Senior Designated Manager will:

- Ask for and be given the written record of the allegation, signed and dated by the **person receiving** the allegation (see above)
- Countersign this as received, and date it.
- Add to it (in a new record) any further information about times, dates and location of any incident and the names of any potential witnesses.
- If the allegation meets any of the criteria outlined in the Introduction, the Senior Designated Manager will report it to the Local Authority Designated Officer (LADO) **within one working day**. It is important that this is not delayed.
- The Senior Designated Manager will also report the allegation to the Chair of the Governing Body (if this isn't one and the same person), who will in turn report it to the Governing Body.

Informing the accused person

The Governing Body will consult with the LADO before informing the accused person of the allegation, but will then inform him/her as soon as possible once it has been agreed the Governing Body should do so (ie please note that in certain circumstances, eg. where there is a clear allegation of child abuse, it rests with Social Care and the Police to determine the way forward, and possibly make the first contact with any or all parties involved.)

The governors will consider carefully whether the circumstances of the case warrant an immediate withdrawal from contact with children, until the allegation is resolved.

The governors will seek guidance from the LADO when considering a suspension. Any suspension will be on full pay, until decided otherwise.

Informing the discloser's parents/carers

The parents / carers of the discloser, or of any child involved, will be told about the allegation as soon as possible, after discussion with the LADO as to the most appropriate way this should be done and by whom.

In cases where a child has been injured whilst in the school's care and requires medical treatment, the parents will be informed immediately.

3. *What happens next?*

Supporting those involved

The governing body will keep any staff member who is the subject of an allegation informed of the progress of the case and will arrange appropriate support, or will advise the accused to seek support from their trade union or other relevant professional association

If the case is a matter for the Police and/or any other external agencies

The Senior Designated Manager and the school will cooperate with all relevant authorities involved and will share all relevant information about the person who is the subject of the allegation and the alleged victim to assist in any further investigation.

If the allegation results in a criminal investigation then the Police will wherever possible share relevant information gained in this investigation to help the school conduct its disciplinary action.

If the involvement of the Police and external agencies is NOT required

If, after initial consideration between the Senior Designated Manager and the LADO, it is clear that police or social care investigations are not necessary, the school will be guided by the LADO as to the most appropriate action.

The nature and circumstances of the allegation and evidence will determine the next course of action.

If Formal Disciplinary Action is NOT required

If the nature of the allegation does NOT require formal disciplinary action, then whatever managerial action is to be taken will be initiated within 3 working days.

If Formal Disciplinary Action is required

If a disciplinary hearing is required, the hearing will be held within 15 working days (unless the allegation first requires further investigation) in accordance with the RBWM Grievance and Disciplinary Procedures (see **Hilltop's Policy on Grievance & Disciplinary Procedures**).

If, on conclusion of the case, it is decided that the person can return to work, the governing body will consider how best to facilitate the return, will provide relevant support to the staff member and will consider how to best manage the person's contact with the child who made the allegation.

The parents/carers of the child will be kept fully informed of any decisions/action taken by the Governing Body.

Referral to DfES List 99 or Protection of Children Act

If an allegation is substantiated and the employee is dismissed or resigns, the Senior Designated Manager will discuss with the LADO whether and how a referral should be made to the Protection of Children Act (POCA) List or the DfES list 99. It is noted that new ISA referral system comes into force in 2010, and when this occurs the school will amend its referral procedure accordingly.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity throughout the whole process and afterwards.

Supply teachers

In the case of a supply teacher, the same processes will be followed except that the process will be conducted in conjunction with the supply agency or employer of the supply teacher, and their internal disciplinary processes (if appropriate) will apply.

Resignation before the conclusion of the investigation/subsequent process

If an employee resigns or ceases to work for the school before the conclusion of the case, any allegation will still be followed up in accordance with these procedures.

'Compromise agreements' in which a person agrees to resign and the employer agrees not to pursue disciplinary action will **not** be used in these situations.

4. After the event

Record keeping

The purpose of keeping a formal record of any case is to enable accurate information to be given in response to any future request for a reference and to provide clarification for future CRB /ISA checks. For this purpose:

- The school will keep a copy of the initial report and any subsequent details of any allegations made, and all the records of how the allegation was followed up and resolved.
- The record will either be kept until the person reaches normal retirement age, or for 10 years if that is longer.
- The record will be kept regardless of whether the person leaves Hilltop's employment.
- A full copy of the record will also be given to the person.

Future employment and references

Any staff reference will state where an allegation has been made against an employee, and will clearly state if the allegation was found to be false or unproven.

Reviewing practice

At the conclusion of any case, whether the allegation is substantiated or not, the school will review its procedures and practice to help prevent similar events in the future.

5. Dealing with concerns rather than a specific allegation

The above process sets out the correct response to a specific allegation against a member of staff or a volunteer.

There may also be the situation where a fellow member of staff has concerns about a Hilltop employee or volunteer as a result of a combination of apparently minor incidents, or from patterns of behaviour. Hilltop staff are all given training in Safeguarding and are aware of the wider context, and the potential of the school environment as seen by child abusers.

Concern may also arise anonymously or from parents or others outside of the school.

At Hilltop all such concerns will be investigated and addressed in collaboration with advice from the LADO.

Who to tell

The first point of contact, as for a specific allegation, is the Headteacher (or Deputy in her absence) unless the concern is for the behaviour of the Headteacher, in which case the issue must be raised with the Chair of Governors, as above.

The Headteacher (or Chair of Governors) will contact the LADO, as they would if an allegation has been made. And again this will happen inside 1 working day.

Subsequent action will depend on the advice of the LADO.

6. *How to contact the key personnel involved in the process*

The Headteacher / Deputy Headteacher: Please contact via the school office.

The Chair of Governors: Please contact via the school office.

Local Authority Designated Officer, EWS

This person is first point of contact for RBWM schools in relation to all child protection allegations against or concerns about staff in schools. He/she will be involved in the management and oversight of individual cases, and will provide advice and guidance to the school as set out in this Policy. (S)he will liaise with key experts in Education Welfare, the Police and Social Care, and HR as and when necessary and will monitor the progress to ensure the case is dealt with as quickly as possible and is consistent with a thorough and fair process.

This responsibility is focused on one person but the role is spread across a number of key experts in the Education Welfare Service.

Contact: RBWM/Social Care LADO

This policy should be read in conjunction with the following documents:

- Behaviour Policy
- Child Protection and Safeguarding Policy
- Confidentiality Policy
- Staff Discipline, Conduct & Grievance Procedures
- Whistleblowing Policy
- Staff Handbook