

Dealing with allegations against academy staff

Approved March 2018
Review by March 2020

ABBEY PARK PRIMARY ACADEMY

DEALING WITH ALLEGATIONS AGAINST ACADEMY STAFF

Introduction

It is essential that any allegation of abuse made against a teacher, other member of staff or volunteer in an education setting is dealt with fairly, quickly and consistently in a way that provides effective protection for the child or children and at the same time supports the individual(s) who are the subject of the allegation.

Allegations may be made in a number of ways:

- direct disclosure by the child or young person
- indirect disclosure i.e. through written work, behaviour or art (especially relevant for children with SEN and Disabilities)
- complaints from parents
- complaints to the police from parents, children or young people
- reports by other colleagues or agencies.

The following policy and procedures are based on current statutory guidance:

- Working Together to Safeguard Children (2006)
- Safeguarding Children and Safer Recruitment in Education (2006) specifically Chapter 5 which is relevant for the purpose of s157 and s175 of the Education Act 2002
- Safeguarding Vulnerable Groups Act 2006
- Keeping Children Safe in Education (2014) and
- is consistent with Calderdale Safeguarding Children Board policies and procedures.

As an employer we have a duty of care to our staff and we will strive to manage and minimise the stress inherent in the investigative process by arranging appropriate and independent support i.e. an appropriate member of the Senior Leadership Team, who is not involved in the investigative process, will be assigned to support any individual subject of an allegation. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by Care Services or the Police.

All staff should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour or conduct of another member of staff. All staff will be issued with a copy of this policy and procedure; new starters will receive a copy within the Academy Induction pack.

Purpose

Abbey Park Primary Academy has adopted the following policy and procedure to provide, in accordance with current statutory guidance, an effective framework to manage allegations against staff which may indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity.

It should be used when an allegation or concern is received that a teacher, member of staff or volunteer (including academy governor) in a school/academy 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 or
- behaved towards a child or children in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children

Where concerns relating to the conduct of a member of staff have been received or where an allegation has been made, consideration will be given to the need for:

- A police investigation in respect of a possible criminal offence having been committed
- Assessment by Care Services about whether a child is in need of protection or in need of services
- Disciplinary action in respect of the individual.

Appropriate and Unacceptable Behaviour

At Abbey Park Primary Academy we expect the highest standards of behaviour for our staff, both within and outside the academy, to ensure that the welfare of children is promoted and safeguarded.

What constitutes appropriate or unacceptable/inappropriate behaviour will vary depending upon the context and nature of the work undertaken. All employers have a responsibility to set personal and professional boundaries for their staff and to be explicit about what behaviours are illegal, inappropriate or unacceptable.

Abbey Park Primary Academy has adopted the DFE Guidance Keeping Children Safe in Education (2014) . As part of our induction process staff will be provided with a copy of part 1 of this guidance and will be required to sign that they have read and understood the document. Existing staff, appointed prior to the adoption of this policy and procedure will be provided with a copy of the guidance and will be required to sign that they have read and understood part 1 of the document.

Working Together to Safeguard Children (2006) states that “it is important that even apparently less serious allegations are seen to be followed and that they are examined objectively by someone independent of the organisation concerned” (Appendix 5, para.13) and established the role of Local Authority Designated Officer (LADO) whose responsibilities include:

- management and oversight of individual cases
- provision of advice and guidance to employers and voluntary organisations
- liaison with the police, and

- Monitoring the progress of all cases to ensure that they are dealt with as quickly and consistently as possible.

Use of Suspension

Keeping Children Safe in Education (2014) states that suspension should not be the default position: an individual should only be suspended if there is no reasonable alternative. It should be considered in every case where:

- there is cause to suspect a child is at risk of significant harm
- the allegation warrants investigation by the police, or
- the allegation is so serious that it might be grounds for dismissal.

Suspension is not an automatic response to an allegation and consideration of suspension should not be taken until discussions have taken place with relevant professionals, agencies and Human Resources personnel.

Confidentiality

Every effort will be made to maintain confidentiality and guard against unwanted publicity both for the academy and the individual concerned, whilst an allegation is being investigated. In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media unless and until the individual is charged with a criminal offence and the Press Complaints Commission also provides safeguards against the publication of inaccurate and misleading information.

Resignations and Compromise Agreements

Where an individual who is the subject of an allegation, tenders their resignation or ceases to provide their services, this will not prevent an allegation being followed up and concluded in accordance with statutory guidance.

Every effort will be made to reach a conclusion in all cases of an allegation having a bearing on the welfare of children and the suitability of the individual to continue to work in an educational establishment.

In cases where an individual refuses to cooperate with the process, they will be given reasonable opportunity to provide a response to the allegation and make full representation. The process of investigating the allegation and reaching a judgement will continue even if the person does not cooperate.

Similarly so called "compromise agreement" where an individual agrees to resign and

- the academy agrees not to pursue disciplinary action, and
- both parties agree a form of words to be used in future reference requests

will not be entered into by Mount Pellon Primary Academy and it will not prevent a thorough police investigation where that is appropriate. .

Record Keeping

Abbey Park Primary Academy will, in accordance with Keeping Children Safe in Education (2014) maintain a clear and comprehensive summary of any allegation made which will:

- detail the allegation/concern, how the allegation was followed up and resolved
- note action taken
- note decisions reached.

The summary will be kept on the individual's confidential personnel file and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given, prevent unnecessary re-investigation should an allegation re-surface after a period of time or provide information in response to any request for a reference if the individual leaves our employment. In addition it provides clarification in cases where a future DBS Disclosure reveals information from the police in respect of an allegation that doesn't result in a criminal conviction.

This record will be retained until the individual has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Notifying the Independent Safeguarding Authority

Employers and service providers must refer information to the Disclosure and Barring service (DBS) when they have dismissed an individual or an individual resigns because they harmed, or may harm, a child or vulnerable adult. It is the role of the DBS to determine whether an individual should be barred from working with children and/or vulnerable adults. DBS will inform professional and regulatory bodies when it bars someone so that their professional registration can also be reviewed.

In certain circumstances a referral may be made to regulatory bodies in addition to DBS if their conduct is considered to be inconsistent with their Code of Conduct and regulatory standards.

In circumstances where an individual would or could have been sacked on grounds that could lead to barring, they must be referred to DBS even if the individual has stopped working or providing their services.

Review Framework

This policy will be reviewed annually (or sooner in the event of revised legislative guidance) and will be considered alongside other relevant policies and procedures which interface and inform one another for example:

- Abbey Park Primary Academy Code of Conduct
- Safeguarding [Child Protection] Policy
- Human Resources Policies and Procedures.

Document Control Sheet:

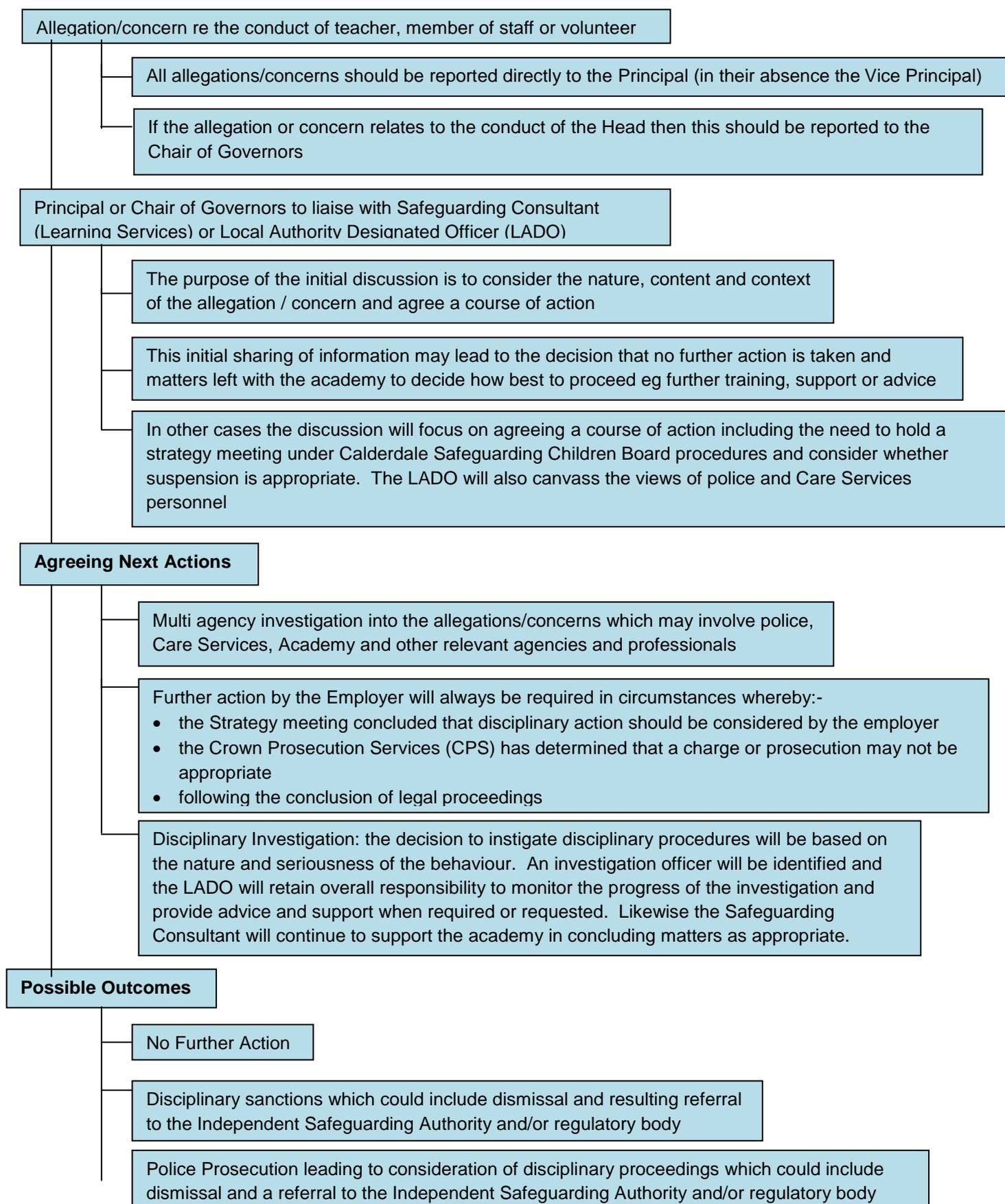
Key Staff lead for Abbey Park Primary Academy: Emme Ford

Date	Process	Name	Status
27/1/14	Re branded for Abbey Park Primary Academy		
	Reviewed		
	Adopted by Governors		

Governor's signature.....(Committee chair or
Chair of Governors as appropriate)

Review Date Agreed: March 2020

Procedure for Dealing with Allegations of Abuse Against Teachers and Other Staff



Document Control Sheet:

NB: Working Together to Safeguard Children (2006) and Safeguarding Children and Safer Recruitment in Education provides more detailed procedures to be followed. The above is for guidance/information only.

Key Staff lead for Abbey Park Primary Academy Emme Ford

Date	Process	Name	Status
18/03/2011	Last Review	MPJ	
18/03/13	Re branded for Mount Pellon Primary Academy	Northern Education Trust	Academy Trust
	Adopted by the governors	Robert Flack	Chair of governors

Governor's signature.....(Committee chair or
Chair of Governors as appropriate)

Review Date Agreed:

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