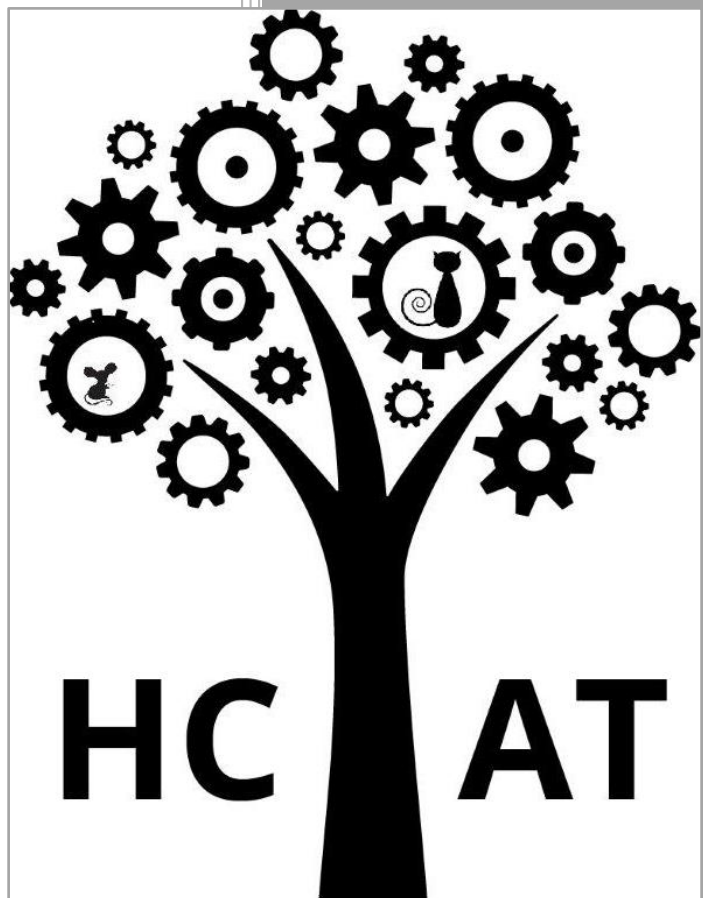


HCAT

Allegations of Abuse Against Staff 2017



## **HCAT ALLEGATIONS OF ABUSE AGAINST STAFF**

HCAT is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. We believe that all those who come into contact with children and families in their everyday work, including those who do not have a specific role in relation to safeguarding children, have a duty to safeguard and promote the welfare of children.

### **Dealing with allegations against staff**

#### **Introduction**

HCAT is committed to providing the highest level of care for both its pupils and 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. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, pupils and parents or carers are aware of the procedure for the investigation of allegations of abuse, in order that all complaints are dealt with consistently and as efficiently as possible.

We hope that having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Head of School immediately or to the Chair of Governors where the Head of School is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

#### **Purpose**

The procedure for dealing with allegations against staff 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 Trusts complaints policy, child protection policy and Safeguarding and Child protection procedures (Section 13).

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school has:

- behaved in such a way that may have harmed a child or may have intended to harm a child. Our child protection policy outlines what it means to harm a child
- acted outside of the law in relation to dealings with a child
- behaved in any way that suggests they may be unsuitable to work with children.

#### **Timescale**

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

- minimise the risk to the child
- minimise the impact on the child's academic progress
- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents and pupils should be aware of the procedures set out in this policy.

#### **Procedure**

## Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Head of School. Complaints about the Head of School should be reported to the CEO of the MAT and Chair of LGB.

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

The Designated Officer (LADO) will be contacted by the Head of School / CEO / Chair of Governors within one working day and a discussion will take place to decide whether:

- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

Details for the Designated Officer can be found on the BMBC website <https://www.safeguardingchildrenbarnsley.com/> or at the front of the safeguarding file or details on the safeguarding board in the staffroom.

The school will share available information with the Designated Officer about the allegation, the child and the person against whom the allegation has been made 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 and police.

## Investigation

An investigation into the allegation is normally carried out by children's social services or by the school. 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 second 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 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. This may be a 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 and will provide the school with advice on what type of additional support the child may need.

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

The employee HCAT has a duty of care to its employees and will do everything to minimise the stress of any allegation and the disciplinary process.

The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Head of School/CEO has spoken to the CEO/Chair of Governors and Designated Officer. (In the case where the allegation is made about the head teacher it will be directed towards the CEO/Chair of Governors or the Governor responsible for safeguarding in their absence, in the case where the allegation is made about the CEO it will be directed towards the Chair of the Trust). The employee will then be advised on what the next course of action will be. However, if the police 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 Head of School/CEO/Chair of Governors will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and the school will consider what might be appropriate to best accommodate this, this could be a referral to Occupation health or counselling. If it is a criminal investigation and the police are involved, they may provide this additional support.

### **Confidentiality**

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 this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of an individual who is the subject of an allegation.

### **Suspensions**

The school will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

The employer holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

### **Resignations**

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

Compromise agreements will not be used in situations which are relevant to these procedures.

### **Record Keeping**

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that will be longer, from the date of the allegation.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

The following definitions should be used when determining the outcome of allegation investigations:

- a. Substantiated: there is sufficient identifiable evidence to prove the allegation;
- b. False: there is sufficient evidence to disprove the allegation;
- c. Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
- e. Unsubstantiated: this means that there is insufficient evidence to prove or disprove the allegation.

#### **Action on conclusion of the case**

If it is decided that the employee may 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 the contact between employee and child.

#### **Action in the case of false or malicious allegations**

Where an allegation is proved to be false, the Head of School and Chair of Governors may refer to social services to determine whether the child is in need of support or has been abused by someone else.

If the claim has been made by a person who is not a pupil, the school will pass the information to the police who may take further action against that person.

#### **After the case**

No matter what the outcome of an allegation of abuse against staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future. The outcome of the case will be shared with the LADO for Safeguarding to review and if necessary complete a strategy review which may lead to disciplinary process.

**Reviewed – Sept 2017**

**Signed**

**Date**