



ALLEGATIONS AGAINST STAFF POLICY

Date: Autumn 2016
Review Date: Autumn 2017

Introduction

This policy and practice has been written in accordance with the London Safeguarding procedures and the Southwark and London Safeguarding Boards' advice and guidance. Specific legislation and guidance's also informing the document are:

- Keeping Children Safe in Education – September 2016
- What to do if you are worried a child is being abused: advice for practitioners 2015
- Dealing with allegations of abuse against teachers and other staff - Oct 2012
- Education Act 2011. Specifically Section 13
- Sexual Offences Act 2003

This policy is for the exclusive use and application in the case of the protection of children. It will be applied following consultation with the DCPO and in some cases the more suitable grievance or disciplinary policies may be followed.

Despite all efforts to recruit safely there will be occasions when concerns are raised regarding staff members conduct or behaviour and allegations of abuse against children made. As with the schools child protection procedures and safeguarding policy, it is often the many little 'puzzle pieces' which go to make up the whole picture. The policy and procedure laid out below are to safeguard both children and staff. As with safeguarding and child protection it is the responsibility of the governors to ensure that these procedures are followed

Policy Aim:

- To set the policy in context
- To define an allegation / disclosure affecting a member of staff. (Employee, governor, volunteer, contractor)
- To set out school procedure following concerns / allegation
- To set out full process beyond the school.
- Provide useful links and contact details

Context

Employees, volunteers, governors and visitors working in all schools have a statutory responsibility to report all allegations of child abuse and to alert others where appropriate if they suspect that child abuse may have occurred.

Goose Green has two documents which must be used in conjunction with this document when applying the systems and making some decisions for guidance when following an allegation / disclosure from either a staff member (reporting an observation which raised concern,

repeating an overheard discussion which was of concern, reporting a child's disclosure) or directly from a child:

- Goose Green Essential Code of Conduct 2016
- Goose Green Child Protection Procedures 2016
- Goose Green Disciplinary Policy

The professional safety of staff and confidentiality is of utmost importance and reporting concerns must only be done in person to either the DCPO – Annabelle Birleanu or her senior designated deputy Louise Partridge.

Each piece of information may be a small piece in the picture but must be retained.

Definition of Allegation / concern

These procedures should be applied when there is an allegation of concern that a staff member 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 they may pose a risk of harm to children.

Consider carefully the if the staff member may have taken **“any action that would lead a reasonable person to question their motivation and / or intentions”** (Keeping children safe in Education 2016)

In addition reference to Goose Green's essential code of conduct and other school policies may be of use in assisting clarification on the definitions above.

These behaviours should be considered by the DCPO in consultation with the Deputy or LADO, within the context of the four categories of abuse, Neglect, physical, sexual or emotional abuse.

Some specific examples might be:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs / pseudo-photographs of children.

Should a member of staff, volunteer or other associate with the School is him/ herself the subject of an allegation towards their own birth/ adopted/fostered/guardianship children the police and or children's social care must consider informing Goose Green. If there are thought to be implications for the children with who they work at Goose Green the following procedures will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. This applies even if the staff member / volunteer or other is no longer employed by / associated with the school.

Goose Green Procedure following Allegation

The extract below is from the Goose Green Child Protection procedures regarding an allegation concerning a member of staff.

If the allegation concerns a colleague or other staff member (volunteer, supply teacher or governor) take it to Annabelle Birleanu directly or in her absence Louise Partridge– (do NOT inform the staff member who has been named in the allegation and do not carry out any further investigation). If the allegation concerns the Headteacher it should be referred directly to the Chair of Governors – Bridie Tooher at:
chair@goosegreenprimaryschool.org or 07714287348

Following receipt of the information Annabelle or Louise will:

1. Consult the Local Authority Designated Officer (LADO) within one day of the allegation being made and before any further investigation is carried out. If it requires immediate attention but is out of working hours they should inform the MASH emergency duty team.
2. follow instruction/ advice from the LADO, police or Southwark Childrens Social care on any or all of the following that may apply in the individual situation:
 - Informing the person accused - what level of disclosure / information sharing should be provided and when.
 - Informing parents - What level of disclosure / information sharing with parents (it maybe that this be kept to a minimum in order to protect the disciplinary or investigative processes)
3. Ensure that all records and accounts are written and recorded within CPOMS for the attention *only* of the DCPO and their senior deputy. A record that information is in CPOMS will be placed in their HR file.

Following advice the person accused will be kept informed and:

- As soon as possible be informed of the allegation against them

(subject to the restrictions on information to be shared) and be advised how enquiries will be conducted and the possible outcomes. (including, suspension, disciplinary action, dismissal and or referral to the DBS or regulatory body)

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcomes of any investigation and the implications for any disciplinary or related processes
- Kept up to date about events in the work place if suspended.
- Advised to contact their Union or professional body

Goose Green will:

- Ensure that the needs of the child / children involved are fully supported as needed. This may include working with Southwark children's Care and or the police.
- Seek advice through the HR manager regarding support for the accused via occupational Health or employee welfare provider.
- Ensure that the person from whom the allegation was received is advised that the information provided and their reporting it is strictly confidential and must not be shared with anyone else.
- Treat the information as strictly confidential limiting the sharing of information with those in a very tight group of 'need to know'. These will usually include HR manager (for the purposes of administration), the DCPO and senior deputy designate and chair of governors.
- In compliance with section 13 of the Education Act 2011 treat the information and identity of the accused in the strictest confidence. Advice regarding this will be sought from LADO and police as to:
 1. Who needs to know and exactly what information can be shared
 2. How to manage speculation, leeks and gossip
 3. What, if any, information can be given to the wider community to reduce speculation
 4. How to manage the press

In some situations following careful consideration with the LADO / police of the possible risks of the accused remaining in the school during an investigation, it may be decided that the member of staff be suspended. This is a neutral act and is to protect both parties involved and is not a suggestion of guilt. Alternative employment arrangements may need to be considered which might involve duties being adjusted to those involving less/ little or no contact with one or more children.

Following advice from the LADO and or Strategy Meeting the school or police may instigate investigations.

Should there be a police investigation and subsequent court case, or the case be closed following the police investigation the school will decide on their course of action. In most cases this will be advised by the LADO and the school will carry the process forward with a disciplinary investigation. The process will proceed following the school's Disciplinary procedures policy. **Goose Green Disciplinary procedures policy**

If an internal investigation is conducted it may be that information gathered by other agencies from their investigation may be used in order not to have to re-interview children or parents. (Information from children's services, LADO or the police)

Following the internal investigation (which may be carried out by a contracted independent person or body) the findings will be identified as one or more of the following (e.g 2 and 3).

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
2. **False:** there is sufficient evidence to disprove the allegation;
3. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
4. **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;
5. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.

The outcomes of an investigation may be:

- no further action,
- Professional advice (training and guidance)
- Formal warning with advice and guidance to support this or
- Dismissal.

If dismissal or the cessation of the use of a services is the outcome and the investigation found the allegation / concern to be **Substantiated** Goose green will, in consultation with the LADO, refer the person to the DBS or regulatory body within one month of the decision.

Goose Green will ensure that they report all **substantiated** and **unsubstantiated** disciplinary findings in any reference request.

Where there are allegations of this nature and a person agrees to resign **Goose Green will not engage in any compromise agreements**. Where possible the investigation and hearing must continue to its conclusion despite the accused having already resigned, be signed off with sickness or simply not engaged with the process

In the cases of **False** or **Unfounded** findings they will not be referred to in any reference. They will, however be kept, with a record of the investigation, on the staff member's file. The School will provide them with full copies of the records. The records will remain on file until normal retirement age or for a periods of 10 years, from the date of the allegation, if that is longer.

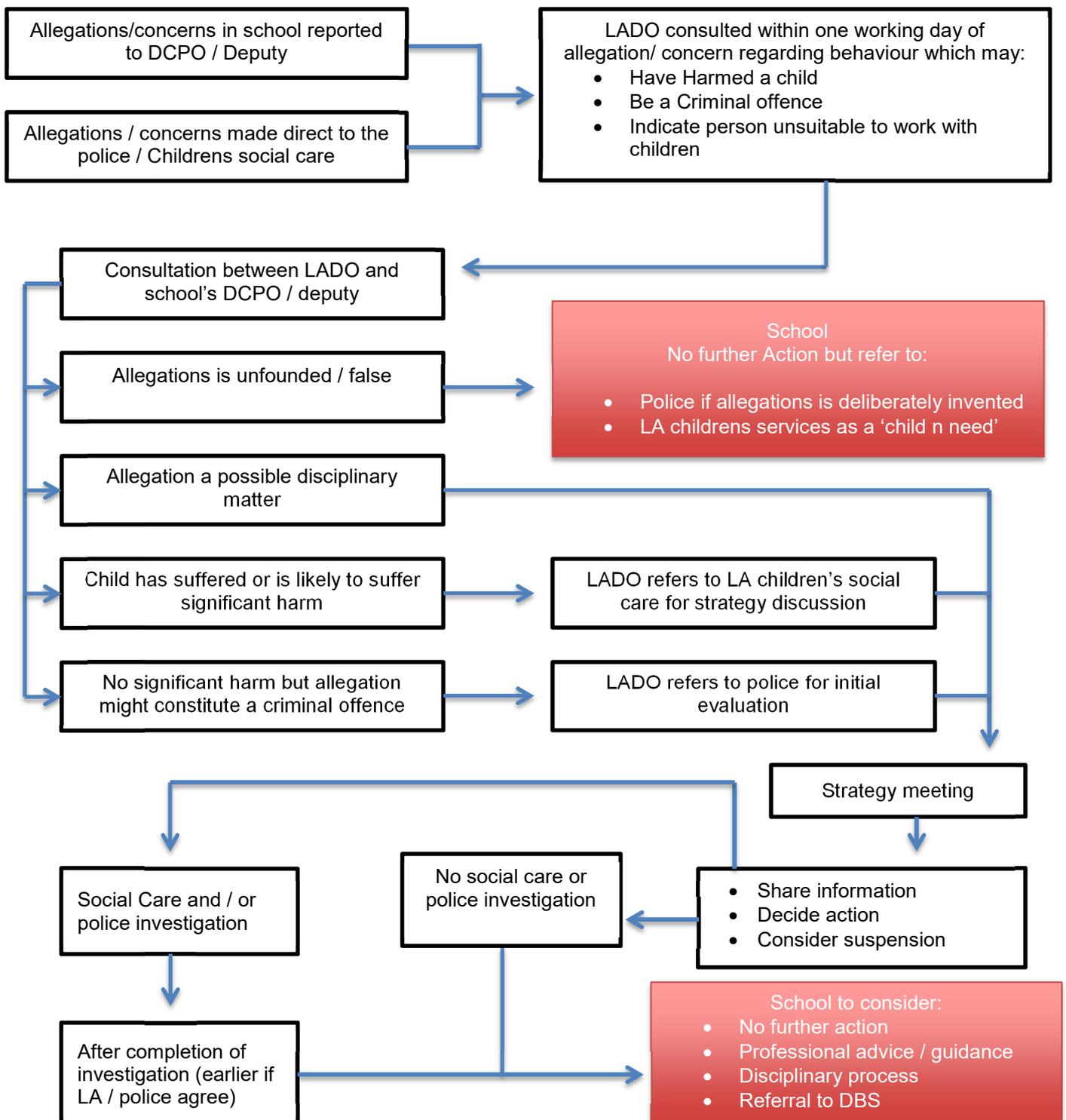
Goose Green will not tolerate **Malicious** allegations and these will be followed up by them from a parent, child or member of staff if they are not to have been made in good faith. They will, depending on the persons who made the allegation, be referred to the police, followed up using the Disciplinary Policy, Behaviour Policy or children's social care and additional support. Goose Green recognises that children rarely make unsubstantiated allegations and that there may well be a safety / child protection concern for them elsewhere in their lives. Care and consideration will be given to working with this child to ascertain where these might be.

Malicious findings will be removed from the staff member's file.

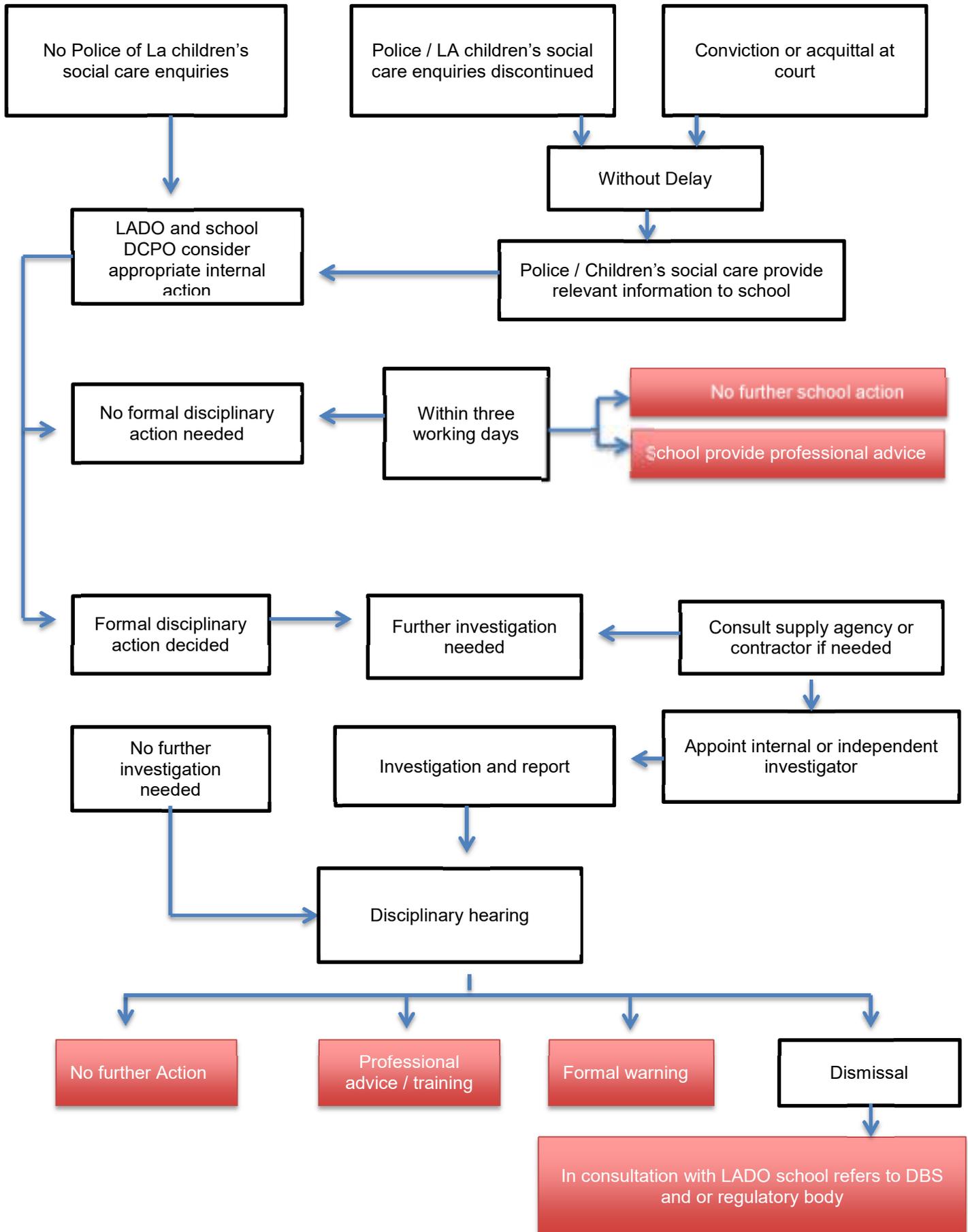
Procedure by Local Authority / Safeguarding board and team

The two flow diagrams below lay out the procedures and decisions following an allegation. A strategy meeting is made up of police, Social care and the LADO. Together they decide if it is to be classified as a criminal investigation, at which time the police will take over, if it is for Local Authority children's services to investigate (sometimes with the support of the police) or if it is to be passed back to the school for an internal investigation

Child Protection Process flow diagram: allegations / concerns against staff



Disciplinary or suitability to work with children flow diagram:
allegations / concerns against staff



Useful links / contacts:

The Chair of Governors is: **Bridie Tooher**
chair@goosegreenprimaryschool.org

The LADO is: Eva Simcock 020 7525 0689

There is also a duty system and one of the CP Coordinators in Quality Assurance Unit is on duty each day to deal with LADO issues when the LADO is unavailable. Duty telephone number for enquiries/referrals is **020 7525 3297**

The LA's Strategic Lead Officer for safeguarding in education services is:
Nina Dohel 020 7525 3252

The LA's Deputy in education services is: **the EHS Duty Manager 020 7525 3893**

The LA's Schools Safeguarding Coordinator is: **Apo ÇAĞIRICI 020 7525 2715**
EHS Duty Officer (Education): **020 7525 2714**

- London safeguarding children board :
http://www.londoncp.co.uk/chapters/alleg_staff.html
- What to do if you're worried a child is being abused: advice for practitioners – 2015 guidance.
<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>
- Keeping children safe in education: for schools and colleges – guidance from 5th September 2016 –
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- Local Authority Designated Officer (LADO) - **0207 525 1921**
- Southwark Safeguarding Children's Board -
<http://safeguarding.southwark.gov.uk>
- Multi Agency Safeguarding Hub (MASH) on **0207 525 1921** (or out of hours on 0207 525 5000) or by emailing MASH@southwark.gov.uk
- '[Safeguarding information for professionals and the community in Southwark](#)' on Southwark Council's website.
- Allegations of abuse against teachers and non-teaching staff
<https://www.gov.uk/government/publications/allegations-of-abuse-against-teachers-and-non-teaching-staff>
- Sexual Offences Act 2013
<http://www.legislation.gov.uk/ukpga/2003/42/contents>

- Education Act 2011. Part 3 (School workforce) section 13
<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>

ADOPTED AND SIGNED ON BEHALF OF THE SCHOOL GOVERNING BODY:	Bridie Tooher
SIGNATURE OF GOVERNING BODY REPRESENTATIVE:	
NAME OF HEADTEACHER:	Annabelle Birleanu
SIGNATURE OF HEADTEACHER:	
DATE:	Autumn 2016
REVISION DATE:	Autumn 2017