



Policy Allegations against staff (LA)

Persons with Responsibility

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Governors

Linked Policies

Health and Safety
Child Protection
Equal Opportunities

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Next Review: January 2021

ALLEGATIONS AGAINST STAFF

Child Protection

SALFORD LEA

GUIDANCE ON PROCEDURES FOR ALL SCHOOLS

Introduction

Everyone in the Education Service shares an objective to help keep children safe. Salford believes that every child and young person has the right to grow up in a safe and secure environment where they are protected from harm and have the chance to fulfil their potential.

Salford is committed to preventing and tackling child abuse through:

- Preventing unsuitable people working with children
- Promoting safe practice and challenging poor and unsafe practices
- Ensuring that children who are vulnerable, at risk and are likely to suffer significant harm are identified and appropriate action is taken to keep them safe

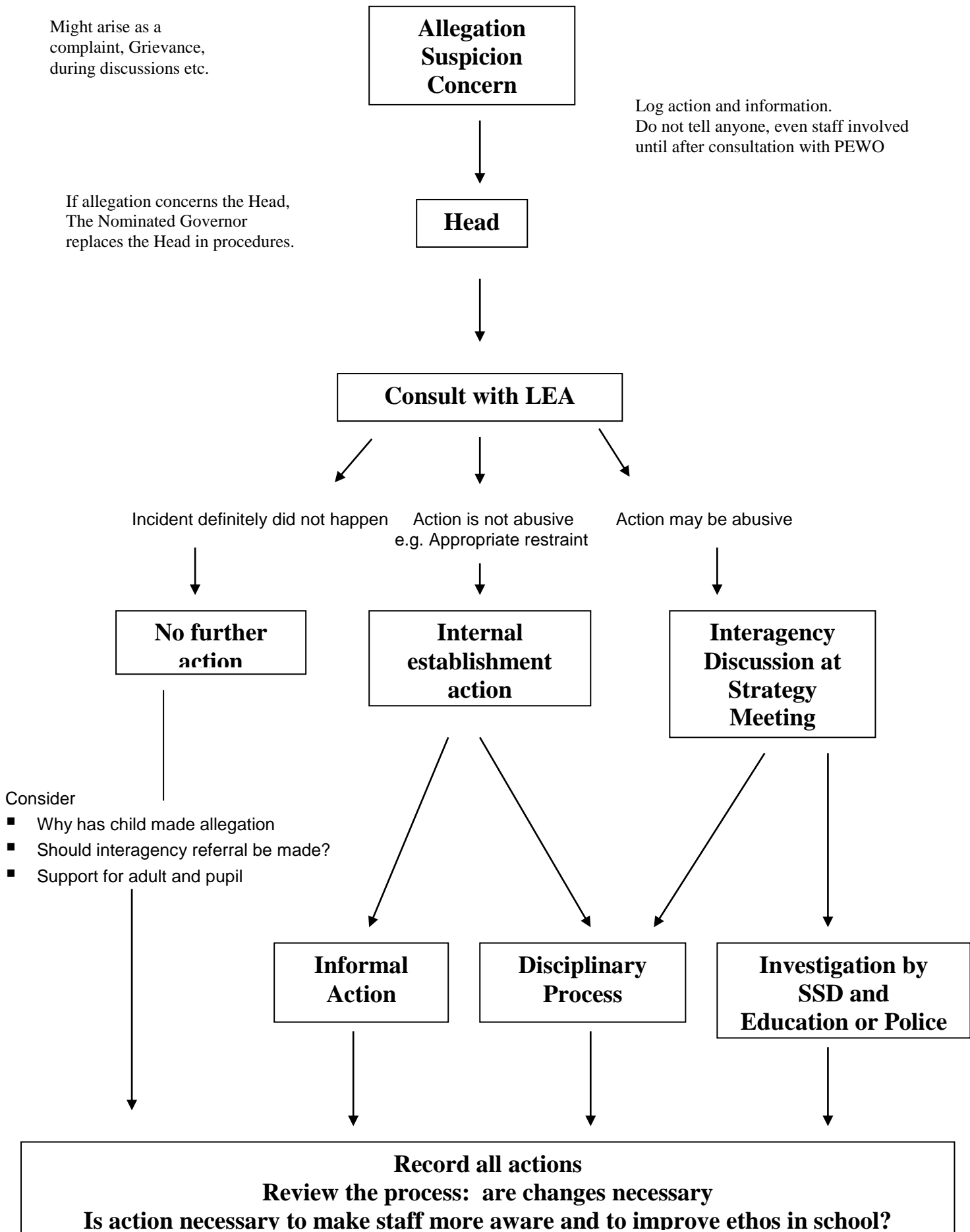
To support the delivery of these objectives, Salford will provide a range of guidance documents for staff. The following document provides guidelines on managing allegations against staff working in learning settings.

All staff who work with and come into contact with children and families have a duty to safeguard and promote the welfare of children. This document is applicable to and for all staff and I recommend it to you for your use in your everyday work.

Working Together (Paragraph 5.14.2)

It is essential that local authorities do not lose sight of the need to invoke child protection procedures when a referral or a report is received indicating abuse of a child in a local authority setting. All referrals and allegations from whatever source should be dealt with under the child protection procedures. Whilst acknowledging that there may be matters of disciplinary or management organisation to pursue separately, the primacy of child protection should be recognised.”

Process For Handling an Allegation against a member of staff



Summary

When is it child protection?

When an adult within the school harms mistreats a pupil or there is reason to believe there is a likelihood that a member of staff is about to do so.

For the purpose of these procedures a member of staff refers to any adult working within the school.

For the purpose of these procedures the definition of child abuse remain the same as those within child protection procedures.

PHYSICAL	EMOTIONAL	NEGLECT	SEXUAL
When undue force Is used in a given Situation.	Verbally assaulted.	Failure to fulfil the role of duty of care.	Inappropriate behaviour either physical or verbal
When a child suffers An injury due to inappropriate handling.	Continued intimidation.	Failure to ensure the safety of pupils.	
When a child is handled Inappropriately, pushing, Punching, grabbing, Dragging etc.	Bullied Intimidation		

There are no definitive definitions of abuse but overall it is when pupils are distressed by the inappropriate actions of staff.

All staff have a responsibility of reporting suspicions or concerns about inappropriate behaviour.

OVERVIEW OF PROCEDURES

- All allegations **must be** taken seriously. Failure to do so can lead to parents/carers making a complaint to the police which can lead to a criminal investigation. This will prevent any other investigation being conducted.
- All allegations **must** be reported to the LEA Lead Officer (Principal Officer Education Welfare Service) for child protection NOT TO THE PERSONNEL TEAM.
- The Principal Officer Education Welfare Service can be contacted on : 742 3907.
- Handling allegations, particularly serious ones, is a complex and delicate process. Schools should seek expert advice at all times.

WHEN SHOULD AN INCIDENT BE REPORTED

- When a child has suffered, is suffering or is likely to suffer significant harm.
- In cases where it is not immediately obvious that there has been significant harm **there MUST always be consultation between the Head teacher (or the Chair of the Governing Body where the allegation is against the Head teacher)** and the Principal Officer Education Welfare Service.
- When it is established that reasonable force has been used the Head teacher (or the Chair of Governors) will deal with the matter at school level. This could be when a child/young person needs to be restrained for his or her own safety or when it is necessary for staff to remove a child for the safety of others.
- It can also be when a member of staff has reacted inappropriately, readily admits to this and there are no other concerns. This would need to be dealt with by the school discipline procedures.
- The response of the Principal Officer Education Welfare Service will be to establish contact with the Child Protection Unit, Police, Social services, Health and other external agencies.
- Under Child Protection procedures a strategy meeting will take place to discuss all allegations except when it is established that reasonable force has been used.
- The early reporting of any concerns about the development of inappropriate relationships or behaviour between all staff and pupils is crucial.
- Head teachers need to take reasonable steps to ensure staff are not vulnerable to false allegations.

- Through whole staff training
 - Development of clear internal guidelines
 - Clear protocols for interviewing children/ young people
 - Clear lines of reporting should their actions be open to misinterpretation.
- **All staff has a responsibility to report concerns or allegations. No matter what the perceived motives are the allegation could be well founded.**

This is What You Must Do.

- The member of staff receiving any allegation against another member of staff should report this immediately to the Head Teacher (or in cases when the allegation is against the Head Teacher this should be reported to the Chair of Governors)

When a child or parent/carer reports an allegation the person must be listened to and heard.

DO

Complete factual information and contact Principal Officer, Education Welfare Service (Appendix 1).

All information must be recorded.

Assurance must be given that the allegation will be investigated.

Headteacher/Chair of Governors can establish the validity of the allegation in so far as the member of staff was in the place indicated at the time stated.

Any allegation needs to be handled sensitively.

Each case is confidential and should be treated as such.

Information should only be shared on a need to know basis.

The member of staff should be informed of the allegation after consultation with the PEWO.

DO NOT

Interview pupils or staff until consultation with the PEWO is complete.

Assumptions should not be made.

Leading questions should not be used.

Information should not be interpreted.

Pupils should not be given assurances of confidentiality.

- The consultation with the LEA Officer for Child Protection has four potential outcomes; -
 1. The allegation may represent poor practice or inappropriate behaviour, which needs to be considered under local disciplinary procedures.
 2. The child has suffered significant or is likely to or at risk of suffering significant harm and the allegation needs to be investigated under child protection procedures.
 3. It is not immediately obvious that a child has suffered significant harm therefore there needs to be a strategy meeting to decide whether the allegation needs to be investigated in accordance with child protection procedures.
 4. The allegation is apparently without foundation and no further action needs to be taken.

Establishing whether an allegation warrants further investigation is not the same thing as deciding whether an allegation is well founded.

If the decision is that the allegation is to be investigated then the Head teacher should not instigate any internal investigation nor should any interviews take place either with staff or pupils.

The decision to investigate is made at the initial strategy meeting.

Strategy Meetings

- The record of the incident will be discussed and all other appropriate information. (Appendix 3)
- The strategy discussion will also take into account any background information pertinent to the allegation. There needs to be consideration of potential risk to other pupils or any other previous concerns.
- If the decision is to investigate it will be decided who is to conduct the investigation and who is to be interviewed.
- Whenever possible a date will be set to reconvene the strategy meeting to consider the findings of the investigation.
- The purpose of the investigation is not to find the person 'guilty' or 'not guilty' it is a process of gathering the information and reporting on the findings.

SUSPENSION

- Each case is considered in accordance with the evidence presented.
- Suspension is not an automatic process when an allegation is made.
- The decision to suspend is the responsibility of the Head teacher with advice from a Senior Officer within the Personnel Team.
- The strategy meeting may also discuss if suspension needs to be considered.
 - Suspension will be recommended when; -
 - There is a risk to children/young people
 - The investigation could be compromised
 - Further allegations could be made against the member of staff
 - Deemed gross mis-conduct.
 - Subject to a criminal investigation(Further guidance can be found in the NEOS document).

UNSUBSTANTIATED ALLEGATIONS **Unsubstantiated Allegations**

Words such as false, unfounded, unsubstantiated and malicious are often used in the same context when describing an allegation. The meanings are very different and it is important to understand the distinction between them and use them correctly.

- For an allegation to be described as false, it is necessary to have evidence that disproves the allegation. This means that the allegation is unfounded.

- For an allegation to be described as malicious, it is necessary to have evidence that not only disproves the allegation, but also proves a deliberate intent to deceive.
- An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not mean guilt or innocence.

The individual member of staff may particularly want to see some form of just response for any distress experienced. Plans for reintegration will also need to address realised or potential acrimony from any anticipated source. Any response must therefore be proportionate in terms of sensitivity to the aggrieved member of staff and with regard to the developmental needs of the child/young person.

It is essential that the school, LEA and any professional association involved with the individual offer and/or provide the support necessary for the member of staff to resume or continue his/her career and regain confidence.

Some options that may be helpful include;

- Counselling
- A named peer supporter
- Mentoring from a senior management team or other relevant staff
- Anger-management programmes
- Self esteem building programmes

Individuals who have been subject to allegations may feel the need to undertake specific in-service training in relation to:

- Safe practice
- Classroom management
- Physical intervention
- Professional mentoring/career coaching through the senior management team or the LEA

It is recommended that a staff support plan is developed and agreed by all parties. The plan should be regularly reviewed and monitored within set timescales.

The response to a child/young person who makes unfounded, false or unsubstantiated allegations should take into account the social, emotional and learning needs of the individual.

Appropriate action could be: -

- Calling a Child in Need meeting
- Pupil and parent to be seen by the Head teacher

When the allegation is deemed to be malicious:

- Agree recompense. (E.g. a written apology)
- Agree ground rules for future behaviour
- Referral to specialist service. (E.g. Educational Psychologist)

Where it is clear that it is in the best interest of all parties, consideration may be given to negotiating a managed move. There must be parental agreement in order to initiate this.

However consideration needs to be given to the management of information sharing. This is also pertinent when considering informing staff and will be dependent on the level of information available in the public domain.

- When an allegation is found to be unsupported the member of staff should be informed immediately.
- When there has been an investigation the outcome should be recorded on the minutes of the meeting.

SUPPORT FOR STAFF

- There should be a named person who can maintain contact with the member of staff to ensure they are kept informed of progress during an investigation. This does not mean they are informed of the content of the investigation.
- Contact with colleagues must be discouraged if the member of staff is suspended.
- Trade Union support should be encouraged.

OUTCOME OF CHILD PROTECTION INVESTIGATION

- Documents relating to the investigation should be retained with the outcome clearly recorded.
- The documentation should be kept on the member of staff's personal and confidential file.
- The aim of the investigation is to obtain as far as possible a fair and balanced picture.
- The aim is not to prove or disprove an allegation.
- Once all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into report. This will include the interview and statements of the member of staff.
- The investigation is generally conducted by a representative from Social Services and a representative from the LEA. Usually this is a Social Worker and the POEWS.
- When interviewed the member of staff will be given the detail of the allegation and will be invited to respond.
- The member of staff should be encouraged to have Union representation during this interview.

- The member of staff can identify persons who may have information relevant to the investigation. They will be included in the investigation.
- School must not take any action until the investigation has been completed and a strategy meeting convened. Action by the school will be dependent on the outcome of the strategy meeting.

IRSC – Managing the aftermath of unfounded and unsubstantiated allegations.

Reference

National Employers' Organisation for School Teachers Bulletin 467.

Education Employers Bulletin No 467

IRSC – Staff subject to allegations Thresholds for and alternatives to suspension.

IRSC – Definitions and Thresholds for Managing Allegations against Education Staff.

WITNESS STATEMENT

Name:

Date:

Class:

Time:

1. Where did it happen?

2. When did it happen?

3. Where were you standing/sitting?

4. Who else was there?

5. What happened?

6. What happened next?