



Allegations against Staff Policy

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1. Introduction

The Board of Directors and staff of Heathcote Preparatory School and Nursery take seriously our responsibility under section 175 of the Education Act 2002 to safeguard and promote the welfare of all children; and to work together with other agencies to ensure adequate arrangements are in place within our school to identify, assess, and support those children who are suffering harm

This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004 and related guidance along with the disqualification from childcare act

(2006). This includes the Framework for the Assessment of Children in Need and their Families and Working Together to Safeguard Children (a guide to inter-agency working) July 2018 (WTSC) and Keeping Children Safe in Education September 2022 (KCSIE) (in particular part 4), SET Procedures May 2022 and the Prevent Strategy August 2015.

The Designated Safeguarding Lead who has overall responsibility for child protection practice in school is Miss G Pennycook.

The Deputy Designated Safeguarding Lead is Mrs Samantha Scott.

The Deputy Designated Safeguarding Lead responsible for Early Years is Mrs Kelly Collins (Nursery Manager).

Heathcote Preparatory School and Nursery is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations 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 Teacher immediately or where the Head Teacher is the subject of concern or is absent and an allegation against a member of staff or volunteer is made, to the Safeguarding Director (Mrs Nadine Solsberg). All allegations will be taken seriously and investigated immediately. If an allegation is made against the Safeguarding Director the concern should be raised with the LADO.

2. 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 school's complaints policy and child protection and safeguarding policy both of which are available on our website.

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

- behaved in such a way that may have harmed a child or may have intended to harm a child. Our Safeguarding 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

3. Timescale

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

- minimise the risk to the child
- minimise the impact on the child's academic progress
- 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.

4. Procedure

4.1. Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Head Teacher. Complaints about the Head Teacher should be reported to the Safeguarding Director Mrs **Nadine Solsberg** without informing the Head. Complaints about the Safeguarding Director should be reported to the LADO.

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 (see Whistleblowing Policy).

The LADO will be contacted by the Head Teacher (or in the event of the allegation being made against the Head Teacher, the Safeguarding Director) and a discussion will take place to decide whether:

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

The school will share available information with the LADO 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 or whether the school will take things forward. Parents' views will be sought. Discussions should be recorded in writing and communication with parents and the individual should be agreed. Representatives from other agencies may

be invited into the discussion and could include representatives from health, social care, the GP and police.

Throughout any process involving an allegation the Head Teacher or DSL will inform the nominated Director. Where the allegation is against the Head Teacher the Safeguarding Director will move the procedures forward via the LADO/ police as appropriate.

4.2. Investigation

An investigation into the allegations 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. **The school will not conduct an investigation until advised to do so by Children's Social Services.**

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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. If appropriate, supportive contact will be offered to the family by the DSL. 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, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

The Head Teacher will always meet with the parents of the alleged victim as soon as possible on the day that the allegation is made.

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

The employee:

Heathcote Preparatory School and Nursery has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

The subject of the allegation must not be informed until the LADO has advised it as their advice will always be taken. The employee will then be advised on what the next course of action will be.

The Head Teacher (or Safeguarding Director in the event of an allegation being made against the Head Teacher) will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the school should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support

4.3. Initial Considerations

It may not be immediately obvious that suspension should be considered, and this course of action sometimes only becomes clear after information is shared with, and discussion had, with other agencies.

In some cases, early or immediate suspension may impede a Police investigation, and therefore the decision whether to suspend may have to be delayed until sufficient evidence has been gathered. Suspension should be avoided in such cases wherever possible, and should not be seen as an automatic response to an allegation. This applies to the possible suspension of the Head Teacher as well as other staff. The decision to suspend remains the responsibility of the Head Teacher and the Board of Directors.

When considering suspension, it is important to have regard to the following factors:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

4.4. Suspensions

Suspension should only be applied if one or more of the following grounds apply:

- A child or children would be at risk

- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded

Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

4.5. Alternatives to suspension

While weighing the factors as to whether suspension is necessary, available alternatives to suspension should be considered. This may be achieved by:

- Leave of absence
- Undertaking different duties which do not involve direct contact with the individual child or other children
- Providing a classroom assistant or other colleague to be present throughout contact time Action Plan

The Children Act established the principle that the interests of the child are paramount. This, however, must be considered alongside the duty of care to staff. Any individual subject to allegations should, regardless of the decision to suspend or otherwise, be offered welfare support. Where possible, a means of monitoring the take up and effectiveness of welfare support without compromising confidentiality or trust should be sought. Where suspension is being considered, the duty of care requires the Head Teacher to ensure that appropriate support is available to the member of staff. In the case of an allegation against the Head Teacher, this responsibility lies with the Safeguarding Director. Agreement must be reached with the police where appropriate as to how information will be shared and contact maintained with the member of staff throughout the investigative process. This should include agreement as to:

- How the member of staff will be kept updated about the progress of the investigation,
- How support and counselling are to be offered: and
- How links will be maintained with the School so that the staff member is kept informed of other matters occurring within the School.

5. Confidentiality

The Head Teacher and Safeguarding Director have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need-to-know basis with other professionals involved in the investigative process. Other people may become aware of the allegation and may not feel bound to maintain confidentiality. Therefore, consideration should be given on how best to manage information, particularly in relation to who should be told what, when and how. This is particularly germane in respect of parents, carers and the media.

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 someone who is the subject of an allegation before they are charged or summonsed.

6. Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person'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.

7. Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the school to:

- provide all the necessary information for future schools if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

The records will be kept by the Head Teacher.

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

8. Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the school to :

1. DBS
PO Box 181 Darlington DL1 9FA
Tel 013525 953795

You can also contact the Ofsted hotline in three ways.

- a) Call on 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- b) Email at whistleblowing@ofsted.gov.uk.
- c) Write to
WBHL
Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD

2. The Teaching Regulation Agency

If an allegation is deemed to be such that the teacher should be prevented from teaching until their case has been fully investigated, the Teaching Regulation Agency can impose an interim prohibition order until the case is concluded.

The School will inform the TRA who act on behalf of the Secretary of State if the misconduct is such that a recommendation should be made to prohibit the teacher from the profession.

The school will be advised on this by the police and/or social services.

A teacher's employer, including an employment or supply agency, has a legal duty to consider whether to refer a case to the TRA when they have dismissed a teacher for misconduct, or would have dismissed them had they not resigned first.

3. Essex County Council will require the completion of the form for their own records "Allegation Against a Staff Member", which is signed by the member of staff and kept on file for 50 years.

9. Action in the case of malicious, false and unsubstantiated allegations

Where an allegation is proven to be false, the Head Teacher and Safeguarding Director may refer to Essex Children's Social Services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere.

If an allegation is found to be intentionally fictitious and malicious, the Head Teacher will decide what the proper sanction will be for the pupil who made the false allegation. The school's behaviour policy sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

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.

The Head Teacher may wish to include the Safeguarding Director when considering what action to take. The school has the power to suspend or expel pupils who make false claims, or refer the case to the police if the school thinks a criminal offence has been committed.

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

10. After the case

No matter what the outcome is of an allegation of abuse against staff, the school (and the LADO if they have been involved) will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.