

Richmond Hill Primary School



Allegations Against Staff

This policy should be read in conjunction with the Child Protection Policy and other safeguarding guidance

PROCEDURES FOR MANAGING ALLEGATIONS AGAINST STAFF

ALLEGATION AGAINST STAFF MEMBERS

Sometimes allegations are made against members of staff employed by the organisation including volunteers rather than members of the child's family. Such allegations are dealt with according to specific procedures published on the Cumbria LSCB website www.cumbrialscb.com (chapter 7).

The member of staff to whom the allegation is reported must:

- treat the matter seriously
- ensure that, where necessary, the child/young person receives appropriate medical attention
- make a written record of the information using the Childs/Parents own words, including when the alleged incident took place; who was present; and what happened
- sign and date the written record
- report the matter immediately to the Senior Manager, or deputy in his/her absence.
- where the senior manager is the subject of the allegation, a referral should be made to a more senior manager and Triage - **Emergency Duty Team Cumberland LADO on 0300 303 3892**
- confidentiality must be maintained

The Senior Management Officer for Richmond Hill School is Rachel Blair.

Their telephone number is 016973 20650.

Their office address is Richmond Hill Primary School, Aspatria, Cumbria, CA7 3BQ.

Email address admin@richill.cumbria.sch.uk

Initial action by the Senior Management Officer

The Senior Manager will:

- obtain written details of the allegation, signed and dated by the person receiving the allegation
- countersign and date the written details
- record any other information and names of any potential witnesses
- establish a chronology of significant events
- consider any information already known about those involved
- discreetly check any incident or log books
- on the basis of these factors, make a professional judgment, and record the reason for any subsequent action taken.

If the allegation meets, or appears to meet, any of the criteria below or if unsure about the action to take– the Senior Management Officer should consult Triage as soon as possible but certainly within 1 WORKING DAY.

No action should be taken until this discussion takes place, unless emergency action is required to safeguard or protect the child concerned, in which case the usual child protection procedures will take precedence. Contact with Triage should not be delayed, in order to gather information. In order not to compromise and subsequent investigation the member of staff should not be advised that an allegation has been made against them unless it is agreed as appropriate by Triage or agreed at a strategy discussion if one is agreed as necessary.

The child's parent should also be advised at the earliest opportunity that an allegation has been made but they should be advised not to discuss the allegation direct with the staff member concerned.

Triage must be contacted if the member of staff 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 s/he is unsuitable to work with children

These procedures apply whilst in connection with his/her employment, or voluntary or contracted activity. However, these procedures may also be used where concerns arise about:

- a person's behaviour in their personal life which may impact upon the safety of children to whom they owe a duty of care
- a person's behaviour with regard to his/her own children.
- the behaviour in the private or community life of a partner, member of the family or other household member

If an allegation requiring immediate attention is received outside of normal office hours the Senior Manager should consult immediately with the Out of Hours Emergency Social Work Service or Local Police. They must ensure they inform Triage the next working day.

Initial consideration by the Senior Manager and Triage

Triage will establish, in discussion with the Senior Manager that the allegation is within the scope of the LSCB procedures and may have foundation. There may be up to 3 strands considered as part of this consideration and the discussion will centre upon whether there is a need for:

- a police investigation because a crime has or may have been committed
- enquires and assessment by social care to determine if services or emergency actions are required
- consideration by the employer of disciplinary action in respect of the individual

If agreement is reached that the criteria for action under the first and second bullet points is met Triage will contact children's social care to ensure a formal 'strategy meeting' is set up involving children's services social care and the police. If only the third criterion is met Triage will provide advice to the SMO on the subsequent management of the case to a satisfactory conclusion within the framework of the organisations procedures for discipline and conduct.

Subsequent Actions

The detailed procedures that need to be followed in either case after this initial consideration are available on the LSCB website www.cumbrialscb.com. Advice and guidance is available through Triage who has a responsibility to provide advice and monitor the case to a conclusion. The Senior manager is expected to keep Triage advised of progress especially where it has been agreed that the matter should be dealt with within the framework of the organizations disciplinary process (see bullet point 3 above) Key issues covered within these procedures are summarized below.

- The decision on suspension/transfer to alternative duties of the staff member subject to the allegation is a matter for responsibility of the Senior Manager. The LSCB does not endorse automatic suspension of staff but the strategy meeting will make a recommendation to the agency if one is required.
- The organization has a responsibility to provide written information and support to the member of staff subject to the allegation normally through an identified manager. An Information Leaflet is available from the LSCB website.
- The fact that a decision has been made by the Crown Prosecution Service not to pursue a prosecution or a staff member is found not guilty of an offence against a child does not mean that a

disciplinary process is not required to protect children. A strategy meeting will be established if a disciplinary process may be necessary in such circumstances.

- The organisation has a responsibility to conduct disciplinary investigations as speedily as possible once it has been agreed as appropriate by Triage or after the completion of enquiries by police and social care. Government Guidance-which is contained in Cumbria's procedures- states that disciplinary hearings should be held within 15 working days of any allegation that does not require investigation, that disciplinary investigations should be completed within 10 working days, decisions on the outcome made within 2 working days and hearings established within 15 days.
- The fact that a person tenders his or hers resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached. The LADO will advise on detailed responsibilities.
- If the person is dismissed or resigned in circumstance in which they might otherwise have been dismissed the organisation may have a duty to refer the individual to a professional body or the Independent Safeguarding Authority to allow them to consider whether to bar the individual from working with children in the future.

The organisation must retain a record of any investigation into an allegation on the staff members file until they reach retirement age or for ten years (whichever is the longest). For this reason the organisation cannot expunge records of disciplinary warnings from the staff members file after a specific period.

Allegations against Supply Staff

- In some cases we may have to consider an allegation against someone not directly employed by us, where our usual disciplinary procedures don't fully apply, like supply staff provided by an agency
- We will make sure allegations are dealt with properly, and we won't decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- Our Governing Boards will discuss with the agency whether it's appropriate to suspend the supply teacher, or redeploy them to another part of the school, while we carry out their investigation
- Agencies should be fully involved and co-operate in any enquiries, but we will usually take the lead as the agency won't be able to collect the necessary information
- The allegations management meeting should address issues such as information sharing, to ensure previous concerns or allegations known to the agency are taken into account
- When using an agency, we will inform them of your process for managing allegations, including inviting the agency's HR manager or equivalent to meetings and keeping them up to date with information about our policies

Double click the page below to open the full document.

**DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND
OTHER STAFF
GUIDANCE FOR LOCAL AUTHORITIES, HEAD TEACHERS, SCHOOL
STAFF, GOVERNING BODIES AND PROPRIETORS OF INDEPENDENT
SCHOOLS**

ABOUT THIS GUIDANCE

1. This is statutory guidance from the Department for Education. Schools, local authorities and FE colleges should have regard to it when carrying out duties relating to handling allegations against teachers and other staff.

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H3 of the Education Act 2002.


WHO IS THE GUIDANCE FOR?

2. All schools¹, local authorities, governing bodies and the FE sector. This guidance relates to all adults working with children and young people, whether in a paid or voluntary position including those who work with children on a temporary, supply or locum basis.

KEY POINTS

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated.
- In response to an allegation all other options should be considered before suspending a member of staff: suspension should not be the default option. An individual should be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the employer and the individual notified of the reasons.

¹ "All schools" include Academies, Free Schools, independent schools and all types of maintained schools.

Approved by ¹	
Name:	RACHEL BLAIR
Position:	HEAD TEACHER
Signed:	
Date:	17.01.24
Review date ² :	17.01.25