

# THE HOLY SPIRIT CATHOLIC PRIMARY SCHOOL

## ALLEGATIONS AGAINST ADULTS POLICY

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# Safeguarding Statement

**“The Holy Spirit Catholic Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and visitors to share this commitment.”**

# Equality Statement

**“The Holy Spirit Catholic Primary School promotes equal opportunities for all pupils, staff and service users. We ensure that all persons have equal access to the full range of opportunities provided by the school. We celebrate diversity and actively encourage respect for all as well as promoting fairness and justice in the education that we provide.”**

## **SCOPE**

The Holy Spirit Catholic Primary School gives the highest importance to the safeguarding and welfare of children. The Governors, Headteacher and Staff will carry their responsibilities efficiently, effectively and diligently to ensure that this school is a safe learning environment for all children.

The scope of this policy covers all aspects of school life and the commitment that is being made towards fulfilling our duty of care as stated in all other policy documents.

## **AUTHORITY**

It is the duty of all schools to safeguard and promote the welfare of children, in association with other relevant agencies. This policy follows the Government guidance in Working Together to Safeguard Children (2015) and Keeping Children Safe in Education (2015) which sets out the duties on employers and the framework for managing cases of allegations of abuse against people who work with children.

## **STATEMENT OF POLICY**

This policy will be adopted in respect of allegations that might indicate that a person has or may have harmed a child, and may be unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and child protection procedures will be followed alongside this policy.

All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations will be reported immediately to the Headteacher, or to the Chair of Governors in cases where the Head is absent or the subject of the allegation or concern.

This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for definition of harm);
- possibly committed a criminal offence against or related to a child, or;
- has behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

There may be up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;

- consideration by the school of disciplinary action in respect of the individual.

## **RESPONSIBILITY**

**The Governors** have the overall responsibility to ensure that all aspects of safeguarding policy and practice are undertaken correctly.

**The Head Teacher** is responsible for ensuring all aspects of the policy are delivered effectively: maintaining a culture of safety and Safeguarding at the school, ensuring that all staff understand what constitutes an allegation, informing the Local Authority Designated Officer (LADO) when an allegation has been made, informing all parties concerned, undertaking an investigation / appointing an independent investigator, keeping all parties updated on the progress of any investigation, providing the relevant support for all parties involved in any investigation, making every effort to maintain confidentiality of any allegation, maintaining records of any investigation, providing follow up care after a false, malicious or unsubstantiated allegation, informing the relevant authorities following an allegation including the police and making referrals to the Disclosure and Barring Service where appropriate.

The Designated Safeguarding Officer is responsible for ensuring the implementation of this policy; ensuring everyone connected with the school is aware of this policy; working closely with the Headteacher and the nominated governor; providing guidance and support to all staff; providing training for all staff on induction and when the need arises regarding; keeping up to date with new developments and resources; undertaking risk assessments when required; reviewing and monitoring; annually reporting to the Governing Body on the success and development of this policy.

**All Staff** must comply with school policies taking all appropriate action to safeguard and protect the welfare of children.

## **ADDITIONAL GUIDANCE**

### **Initial Considerations**

Where an allegation is made against a professional, the Headteacher, or Chair of Governors, will initially consider the following:

- the details of the allegation
- the information he / she has relating to the subject of the allegation
- the information he / she has relating to the child concerned
- whether the incident could possibly have taken place

The Headteacher, or Chair of Governors, will then consider whether the adult has:

- behaved in a way that has harmed, or may have harmed, a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

(See HBC flowchart relating to the Allegations Process)

Once these factors have been considered, Headteacher will not investigate the matter and will make contact with the Local Authority Designated Officer.

The Local Authority Designated Officer (LADO) will be informed by the Headteacher, of all allegations of abuse against staff within 24 hours of receiving the allegation, even where the police are contacted directly. The contact details for the LADO in Halton are:

Katherine Appleton, Local Authority Designated Officer - 0151 511 6942

### **Issues of suitability**

Working Together 2013 amended the role of LADO and issues of suitability were removed from the LADO's remit. As a result, where an employee is being investigated for an offence against an adult, or their behaviour in their personal lives brings into question their suitability to work with children, it is the responsibility of the school to determine issues of suitability and take appropriate action.

### **Informing the employee**

The Headteacher will inform the subject of the allegation about the allegation as soon as possible after consulting the Chair of Governors and the LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Headteacher will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association he / she will be advised to contact that organisation at the outset.

### **Use of suspension**

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the Headteacher and the Board of Governors. However, they can consult with the LADO who may offer advice regarding suspension or other alternatives, but ultimately the decision to suspend is the responsibility of the school.

Based on assessment of risk, the following alternatives will be considered by the Headteacher before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;

- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents / carers have been consulted (this would not ordinarily be used); or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

Where it has been deemed appropriate to suspend the individual, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension.

### **The Strategy Meeting**

If the allegation is not demonstrably false or malicious, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy meeting will be convened by the LADO with the Headteacher and other appropriate agencies, such as the police and social services.

School will be required to provide information at the Strategy Meeting relating to the allegation, the subject of the allegation and the child/ren concerned. The meeting will consider the course of investigation along with any lessons to be learnt, timescales and who is responsible for what. The LADO will also oversee that the agreed actions are undertaken.

In cases where a formal strategy discussion is not considered appropriate because the threshold of “significant harm” is not reached, but a police investigation might be needed, the Headteacher will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB. The police will be consulted about any case in which a criminal offence may have been committed.)

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

The LADO and the Headteacher may conclude that the complaint or allegation is such that it is clear that an investigation by police and / or enquiries by social care is not necessary. In these circumstances the investigation will be handed back to the school to undertake. Dependent on the nature of the allegation, the school may be required to report its findings back to the Strategy Group. The options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person’s services in future.

### **Findings**

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

- a. **Substantiated:** there is sufficient evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.;
- d. **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

### **Supporting Those Involved** **Parents / Carers / Children**

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. NB. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see Confidentiality section). "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public".

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Headteacher / Chair of Governors to consider what support the child or children involved may need. This will also be considered as part of a Strategy Meeting.

### **Employees**

The school has a duty of care to its employees. Suspension will not be used in all cases and alternatives will be considered. Should an allegation be made, the Chair of Governors and Head will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Chair of Governors and Head will also keep the individual informed about developments at school or appoint a named representative to undertake this role. If the person is a member of a union or professional association he / she will be advised to contact that body at the outset. The individual will also be given access to welfare counselling or medical advice where this is provided by the employer.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated / considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). These restrictions

apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

Regarding an allegation, the Headteacher will take advice from the LADO, the Police and children's social care to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and,
- how to manage press interest if and when it should arise.

### **Resignations and “Compromise Agreements”**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate.

Similarly, so called “compromise agreements” by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Disclosure and Barring Service for consideration of placing the person's name on the Children's Barred List where circumstances require that. As a school we recognise our statutory duty to make such referrals.

### **Record Keeping**

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. In accordance with guidance, details of allegations that are found to have been malicious will be removed from personnel records.



It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

### **References**

Cases in which an allegation was proven to be false, unsubstantiated, or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, etc. will also not be included in any reference. Only substantiated allegations will be referred to within a reference.

### **Timescales for reaching a conclusion**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. In line with Government guidance it is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

### **Action in Respect of False or Malicious Allegations**

If an allegation is determined to be false or malicious, the Headteacher may refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

### **Action on Conclusion of a Case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his / her services, the Headteacher will refer to the Disclosure and Barring Service and to any other relevant professional organisations, such as the National College for Teaching and Leadership. The school will then advise LADO of the referral to the DBS. In cases where it is decided on the conclusion of the case that a person who was the subject of the allegation can return to work, the school will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and / or the provision of a mentor to provide assistance and support in the short term may be appropriate. The

school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

### **SUPPORTING DOCUMENTS**

This policy should be used in conjunction with the following school documents:

- Keeping Children Safe in Education; Statutory guidance for schools and colleges (2015)
- Working Together to Safeguard Children (2015)
- What to do if you're worried a child is being abused (2015)
- The Childcare Act (2006)
- Whistle Blowing Policy
- Safeguarding & Child Protection Policy
- Complaints Policy & Procedure

Signed (Head Teacher):

Date:

Signed (Chair of Governors):

Date: