

# Conisbrough Ivanhoe Primary Academy



## Managing Allegations of Abuse Against Staff Policy 2020

## 1 Introduction

This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behave towards a child or children in a way that indicates he or she would pose a risk of harm to children

It applies regardless of whether the alleged abuse took at Conisbrough Ivanhoe Primary Academy. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while supporting the individual who is the subject of the allegation.

## 2. Principles of this guidance.

Conisbrough Ivanhoe Primary Conisbrough Ivanhoe Primary Academy recognises the importance of having procedures for dealing with allegations, and takes on board the recommendation of DfE document Keeping Children Safe in Education and seeks to give all staff and volunteers an understanding of 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. This procedure and guidance should make it clear that:

- All allegations should be reported as soon as they become apparent – in the first instance to the Head Teacher or in the case of the Head Teacher reported to the Chair of Governors.
- All Conisbrough Ivanhoe Academy staff will maintain confidentiality, and every effort will be made to guard against unwanted publicity. Ivanhoe will not publicise information regarding the allegation. If staff are contacted by the media they will refer all enquiries to the Head Teacher.
- It is in everyone's interest to resolve cases as quickly as possible.
- Investigations will be fair and thorough.
- The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

## 3. Definitions for outcomes of allegation investigations.

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

#### 4. Application

This procedural guidance applies to all members of staff at Conisbrough Ivanhoe Primary Academy including those with expressed permission to be on the premises. The Head Teacher will normally have overall day-to-day responsibility for dealing with allegations of abuse. Where the Head Teacher is accused, or a concern is identified, this shall be the responsibility of the Chair of Governors. In the event that an allegation or concern is raised against a member of the Governing Body, advice should be sought from the Governor Services provider for Conisbrough Ivanhoe Primary Academy.

#### 5. Consideration of an allegation

An allegation may require consideration from any of the following inter-related perspectives:

1. A police investigation of a possible criminal offence;
2. Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services; this can be in respect of
  - a) the child on whom the allegations centre;
  - b) any other children the alleged perpetrator has contact with;
  - c) the alleged perpetrator's own children;
3. Consideration by Conisbrough Ivanhoe Primary Academy of disciplinary action in respect of the individual;
4. Complaints Procedures – consideration by Conisbrough Ivanhoe Primary Academy via a parent in respect of an individual.

The Local Authority (LA) designated officer(s) will be informed immediately of all allegations that come to Conisbrough Ivanhoe Primary Academy attention. The LA designated officer(s) will discuss the allegation with the Head Teacher (or Chair of Governors) to confirm details of the allegation and establish that it is not demonstrably false or unfounded. This information sharing will be, in the first instance, on an informal basis. The LA designated officer and the Principal will make an informed decision regarding the necessity of any further action: For example if there is a need for a formal strategy meeting, who needs to be made aware of the allegation i.e. Chair of Governors, parents or the accused. Each case brought to the LA designated officer may be different and therefore may result in a different process taken.

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, or a possible criminal offence might have been committed the LA designated officer will immediately request that a strategy meeting should be convened straight away. The Head Teacher, after discussion with the LA designated officer, should inform the accused person about the allegation as soon as possible.

Where a strategy discussion is needed, or police or children's social care may need to be involved, the Head Teacher will be advised not to do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.

## **6. Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the Head Teacher, and where the Head Teacher is the subject of the allegation the Chair of governors, will take the following steps:

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police).
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the academy is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what support is appropriate. Employee assistance support is available to all staff and details can be found in the Staff Handbook.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- Make a referral to the DBC where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made. If the Academy is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.
- Where the police are involved, wherever possible the case manager will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

## **7. Suspension**

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the Trust 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 the individual to alternative work in the academy so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for Conisbrough Ivanhoe Primary Academy.

## **8. Specific actions**

### **Action following a criminal investigation or prosecution**

The HT will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

## **9. Conclusion of a case**

The outcome of the process will be shared with the parents of the child or children concerned after taking advice from the LA designated officer. The employee will be made aware of the outcome and any action points agreed as a result of the investigation. The LA designated officer(s) will discuss with the Headteacher whether the Children's Services Authority will make a referral to DCSF. Where, on conclusion of an investigation, it is decided, that a person who has been suspended can return to work, the Headteacher will consider how best to facilitate that. Any pertinent points from the investigation will be shared with the Chair of Governors in order to facilitate an action plan. Following any disciplinary action, a 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 at Conisbrough Ivanhoe Primary Academy, a copy of which will be 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. Information will also be held on a database that can only be accessed by the LA designated officers. The database will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. This course of action will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will show what action was taken, and if appropriate that the

### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the Head Teacher, or other appropriate person in the case of an allegation against the Head Teacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

### **10. Timescale**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should 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.

### **11. Confidentiality**

The academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **12. Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the Academy will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

### **9. References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

### **10. Learning lessons**

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the Trust's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual