

## ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

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### RATIONALE

Sandwich Technology School is committed to providing the highest level of care for both its students 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, students 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 students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Headteacher immediately or to the Chair of Governors where the Headteacher is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

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### 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.

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

- behaved in such a way that may have harmed a child or may have intended to harm a child (our Child Protection 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.
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### IMPLEMENTATION

#### Timescale

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

- minimise the risk to the child;
- minimise the impact on the child's academic progress;
- minimise stress to the employee concerned;
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents and students should be aware of the procedures set out in this policy.

## Procedure

### Reporting an allegation

All allegations made against staff should be reported immediately to the Headteacher. Complaints about the Headteacher should be reported to the Chair of Governors who will then contact the designated officer at the Local Authority.

Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether or not 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.

The designated officer will be contacted by the Headteacher/Chair of Governors and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the Police or social care.

The school will share available information with the designated officer 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. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and the Police.

### Investigation

An investigation into the allegation 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 co-operate with investigative agencies.

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

The following definitions should be used when determining the outcome of the investigation:

- 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 – the term does not, therefore, imply guilt or innocence).

### Supporting those involved

#### *The person(s) who makes the allegation and their parents/carers*

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. There will be a staff member designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. 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 and will provide the school with advice on what type of additional support the child may need.

The school's Whistle Blowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

### *The employee*

Sandwich Technology School has a duty of care to its employees and will do everything to minimise the stress of any allegation and the disciplinary process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the designated officer. The employee will then be advised on what the next course of action will be. However, if the Police or Social Services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The Headteacher, Chair of Governors or a named representative will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and the school will 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.

All employees – both teaching and non-teaching staff – have free access to the Education Support Partnership's telephone helpline: 08000 562561.

### **Confidentiality**

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.

### **Suspensions**

The school will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

The school holds the power to suspend an employee, but will listen to the views of the Police and/or social care regarding suspension.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

### **Resignations**

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's co-operation. They will be given full opportunity to answer the allegation.

Settlement agreements will not be used in situations which are relevant to these procedures.

### **Record keeping**

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age, or for ten years if that will be longer, from the date of the allegation.

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

### **Action on conclusion of the case**

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.

#### Action in the case of false or malicious allegations

Where an allegation is proved to be false, the Headteacher and Chair of Governors may refer to Social Services to determine whether or not the child is in need of support or has been abused by someone else.

The school may consider taking punitive actions against the student if the allegation is found to be deliberately false or malicious.

If the claim has been made by a person who is not a student, the school may pass the information to the Police who may take further action against that person.

### **After the case**

No matter what the outcome is of an allegation of abuse against staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

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### **LINKS TO OTHER POLICIES/DOCUMENTS**

- Child Protection and Safeguarding Policy
  - Complaints Procedure
  - Governors' Delegation of Functions (Function 72)
  - Staff Disciplinary Policy
  - Unreasonably Persistent Complaints and Harassment Policy
  - Whistle Blowing Policy
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