



# Statement of Procedures for Managing Allegations Against Staff

2023-2024



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# Teagues Bridge Primary School

## Statement of Procedures for Managing Allegations Against Staff

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Staff Responsibility	Sarah Abdulla
Governor responsibility	Steve Reynolds

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## 1. Purpose and Rationale

Teagues Bridge Primary School takes its responsibility of care for its students seriously and fully endorses the principles and practice of safeguarding procedures in line with 'Keeping Children Safe in Education' (2020). We recognise that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

This statement of procedures is written in conjunction with statutory guidance from the Department for Education (DfE) and relates to the following legislation:

- The Children Act 1989 and 2004
- The Education Act 2011 and the Education Regulations 2014.

This statement of procedures must not be used in isolation. All stages must be addressed in conjunction with the school's safeguarding policy and disciplinary policy. All timescales for handling allegations will be in line with both of these policies.

## 2. Statement of Procedures

### **a) Initial Allegation Made to the school**

Any allegation of abuse by an adult or a student must be reported to the head or the assistant head in the head's absence.

Should the allegation be made about the head, this should be brought to the attention of the chair of governors immediately.

Should the allegation meet any of the following criteria then the head should report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received:

A member of staff (including a volunteer) 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; or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

## **b) Initial Consultation**

The head will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The head should not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. All allegations will be taken very seriously.

If upon discussion with the LADO the head believes the allegation to be patently false, or if she believes for any reason that no formal steps are required she will formally convene a meeting of 3 people from:

- Assistant Head
- Safeguarding Leads
- Chair of Governors

If any one of these present believes that the allegation should be referred on, then this should be done. The panel will be reconvened if any further information becomes available. Minutes of the meeting will be taken, and forwarded to the governor with responsibility for safe guarding.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to the children's social care team and ask for a strategy discussion in accordance with Working Together to Safeguard Children to be convened straight away. In those circumstances the strategy discussion should include the LADO and the head.

If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the school and any other agencies involved with the child.

## **c) Action following initial consideration**

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the head to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the head should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be help without further investigation, the hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action the head should discuss who will undertake that with the LADO. This will usually be a member of the senior leadership team (SLT).

The investigating officer should aim to provide a report to the employer within 10 working days.

On receipt of the report of the disciplinary investigation, the head and chair of governors should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed, it should be held within 15 working days.

In any case in which the children's social care team has undertaken enquiries to determine whether the child or children are in need of protection, the head and chair of governors should take account any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

#### **d) Case subject to police investigation**

If the police and/or Crown Prosecution Service (CPS) decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the head within 3 working days of the decision. In those circumstances the head and the LADO should proceed as described in point c.

In any case in which the children's social care team has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should be passed to the school and the head should request this information.

#### **e) Referral to Department for Education (DfE)**

If, on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his or her services, the school should consult the LADO about whether a referral to the DfE is required. If a referral is appropriate the report should be made within one month.

#### **f) Duties as an employer and employee**

Employers have a duty of care to their employees and must ensure that effective support is provided for anyone facing an allegation. If an employee is suspended, there should be a named contact so that the employee can be kept up to date with the concerns or allegations.

The individual concerned should be advised to contact their trade union representative if they have one, or a colleague for support.

Any allegation of abuse made against a member of staff or volunteer needs to be dealt with quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Parents and carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. This is unless the police or children's social care services need to be involved. If this is the case, the head or relevant SLT member should not do so until those agencies have been consulted and have agreed what information should be disclosed to the parents/carers.

Parents/carers should also be made aware of the prohibition on reporting or publishing allegations about staff members in the education act. If parents and carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social services, or the police, should consider what support the child or children involved may need.