

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

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| Policy Reviewer | Sarah McElduff | Date of Review | May 2015 |
| Date Presented to Governors | 29 June 2015 | Date of next Review | Summer 2017 |



Purpose

Burton Borough School takes its responsibility of care for its students seriously and fully endorses the principles and practice of Every Child Matters. 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.

Scope

This Policy is written in conjunction with statutory guidance from the Department for Education and relates to the following Legislation:

- 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).

A copy of the DfE Guidance can be found on the T drive.

Policy Statement

Initial Allegation Made to the School

Any allegation of abuse by a teacher on a student must be reported to the Head teacher.

Should the allegation be made against the Head teacher than 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 teacher should report the allegation to the local authority designated officer the same day that the allegation is received:

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;
- 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.

Initial Consideration

The Head teacher will discuss the matter with the local authority designated officer and provide any further details of the allegation and the circumstances in which it was made. The Head teacher 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.

If the Head teacher believes the allegation to be patently false, or if s/he believes for any other reason that no formal steps are required s/he will formally convene a meeting of 3 people from:

- Deputy Heads
- Safeguarding Leads
- Chair of Governors

If any **one** of these present believes that the allegation will be referred on, then this will 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 safeguarding.

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 local authority designated officer will immediately refer to 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 local authority designated officer and the Head teacher.

If there is not cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the local authority designated officer 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.

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 teacher to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Head teacher should institute appropriate action within three working days. If a disciplinary hearing is required and can be held 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 teacher should discuss who will undertake that with the local authority designated officer.

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 teacher and chair of governors should consult the local authority designated officer, 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 children's social care team has undertaken enquiries to determine whether the child or children are in need of protection, the Head teacher and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

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

Case subject to police investigation

If the police and/or 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 teacher within three working days of the decision. In those circumstances the Head teacher and the local authority designated officer should proceed as described above.

In any case in which children's social care 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 also be passed to the school and the Head teacher should request this information.

Referral to 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 local authority designated officer about whether a referral to DFE is required. If a referral is appropriate the report should be made within one month