



Management of Allegations Against Staff Policy 2012

Criteria

In accordance with this guidance, where an allegation is made against anyone who works with children at Trinity First school School, that s/he

- Has behaved in a way that has harmed a child, or may have harmed a child. Possibly committed a criminal offence against or in relation to a child
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

or where

- Concerns arise about the person's behaviour with regard to his/her own children.
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member

The following procedure will be implemented.

Procedure

Responding to allegation or complaint

The person who receives information regarding the allegation will not question the child or investigate the matter any further.

They will:

- treat the matter seriously, avoid asking leading questions, communicate with the child in a manner appropriate to the child's understanding and communication style
- Make a written record of the information, where possible in the child's own words stating when the alleged incident took place, who was present and what was said to have happened.
- The record must be signed and dated.
- The person receiving the information will report the matter immediately to the school's headteacher or assistant head teacher or, where the allegation involves either of these, to the Chair of Governors.

The person, usually the chair of governors, to whom the matter is reported will become the *Senior Designated Manager*, until the allegation is resolved

The Senior Designated Manager will inform the Governing Body of the allegation.

Initial action by Senior Designated Manager

The Senior Designated Manager will **not** investigate the matter by interviewing the accused, the child making the allegation or any of the potential witnesses.

They will:

- Obtain written details of the allegation, signed and dated by the **person receiving** the allegation or complaint
- Countersign and date the written details
- Record any other information about times, dates and location of any incident and the names of any potential witnesses.

If the allegation meets any of the criteria outlined above, the Senior Designated Manager will report it to the Local Authority Designated Officer (LADO) within one working day. Referral to the LADO will **not** be delayed in order to gather any further information.

The Senior Designated Manager and the school will cooperate with all relevant authorities involved and will share all relevant information about the person who is the subject of the allegation and the alleged victim to assist in any further investigation.

Informing accused person/Suspension

The Governing Body will inform the accused person of the allegation as soon as possible *after prior consultation with the LADO*. The governors will consider carefully whether the circumstances of the case warrant an immediate suspension of the person involved from contact with children, until the allegation is resolved. The governors will seek guidance from the LADO when considering a suspension. Any suspension will be on full pay, until decided otherwise.

Further action

Supporting those involved

Parents or carers of any child involved will be told about allegations as soon as possible, after discussion with the LADO as to the most appropriate way this should be done and by whom. In cases where a child has been injured whilst in the school's care, the parents will be informed immediately.

The governing body will keep any staff member who is the subject of an allegation informed of the progress of the case and will arrange appropriate support/advise the accused to seek support from their trade union or other relevant professional association.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity.

Record keeping

The school will keep details of any allegations made and how the allegation was followed up and resolved.

These records will be kept until the person reaches normal retirement age, or 10 years if that is longer, including for people who leave our employment. A copy will be given to the person. The

purpose of the record will be to enable accurate information to be given in response to any future request for a reference and to provide clarification for future CRB disclosures.

Outcomes

If after initial consideration between the Senior Designated Manager and the LADO it is clear that police or social care investigations are not necessary, the school will be guided by the LADO as to the most appropriate action.

The nature and circumstances of the allegation and evidence will determine the next course of action.

If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within 3 working days.

If a disciplinary hearing is required and can be held without any further investigation, the hearing will be held within 15 working days. Subsequent procedures, as outlined in the Somerset County Council Grievance and Disciplinary Procedures, will be followed.

If, on conclusion of the case, it is decided that the person can return to work, the governing body will consider how best to facilitate the return and provide relevant support to the staff member and consider how to best manage the person's contact with the child who made the allegation.

The parents/carers of the child will be kept fully informed of any decisions/action taken by the Governing Body.

Resignations and 'Compromise Agreement'

If an employee resigns or ceases to work for the school, any allegation must still be followed up in 'Compromise agreements' in which a person agrees to resign and the employer agrees not to pursue disciplinary action will **not** be used in these situations.

Staff references for future employment

Any staff references will state where an allegation has been made against the employee and will clearly state if the allegation was found to be false or unproven.

Referral to DfES List 99 or Protection of Children Act

If an allegation is substantiated and the employee is dismissed or resigns, the Senior Designated Manager will discuss with the LADO whether and how a referral should be made to the Protection of Children Act (POCA) List or the DfES list 99.

Reviewing practice

At the conclusion of any case, whether the allegation is substantiated or not, the school will review its procedures and practice to help prevent similar events in the future.