



## **Trinity Safeguarding and Child Protection Policy**

### **Allegations against staff**

**Date reviewed:** `

**Signed:**

**(Chair of Governors)**

*Jesus said, "Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these."*

Mt 19:14

All allegations should be reported to the Head Teacher as soon as possible. In the absence of the Head Teacher the report should be given to the Executive Head teacher and the designated Safeguarding Lead.

If the Head teacher or the Executive Head Teacher are the subject of an allegation then the report should be given straight to the Chair of Governors.

The Designated Safeguarding Lead must be informed of all allegations.

Allegations against volunteers should be handled in line with this policy.

If the allegation meets any of the criteria above then it should be reported straight away to the designated Local Authority Designated Officer (LADO) and they will be responsible for providing advice and monitoring cases.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- Consideration by the School of disciplinary action in respect of the individual. (Where the person is not employed directly by Trinity, this

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may include joint action with another organisation e.g. Supply teacher agency)

Some cases may also need to be reported to the DfE for consideration of including the person on list 99 and Disclosure Barring Service (DBS)

## **Supporting those involved**

Parents or Carers of a child or children involved must be told about the allegation as soon as possible if they do not already know of it. They should also be informed about the progress of the case and told the outcome where there is not a criminal prosecution. Parents/Carers must be told the outcome of any disciplinary process but not the deliberations or the details of the case.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution. Children's social care or the police, as appropriate, should consider what support the child involved may need. The School must also be sensitive to the needs of the person who is the subject of the allegation keeping them informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, it must be clear that this is without prejudice and the School should make arrangements to keep the individual informed about developments. If the person is a member of a union or professional association s/he should be advised at the outset to contact that body for advice and support.

## **Confidentiality**

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered.

## **Resignations or “compromise agreements”**

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. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

So called “compromise agreements” by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a format of words to be used in any future reference, **must not** be used in these cases.

If such an agreement is made then it will not prevent a thorough police investigation where that is appropriate. Nor can it over ride the statutory duty to make a referral to list 99 and Disclosure Barring Service (DBS) where circumstances require that.

## **5. RECORD KEEPING**

It is important that a clear and comprehensive summary of any allegation is made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This will be kept on a person’s confidential personnel file, and a copy provided to the person concerned. The record must be retained at least until the person reaches normal retirement age or from a period of 10 years from the date of the allegation if that is longer.

### **Time Scales**

Cases must be resolved as quickly as possible consistent with a fair and thorough investigation. Indicative timescales are given in section 9 below.

### **Oversight and Monitoring**

Local Authorities (Las) with responsibilities for schools should have a named senior officer (LADO) who has overall responsibility for oversight of the procedures for dealing with allegations; for inter-agency issues, liaison with the safeguarding Children Board on the subject.

In addition , designated LA Officers should also be involved in the management and oversight of individual cases. This person will provide advice and guidance to the School, in addition to liaising with the Police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

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The police have an identified officer who will have strategic oversight of the arrangements and ensure compliance.

## **Procedures for dealing with allegations against staff.**

### **Initial consideration**

The LA designated officer (LADO) will discuss the matter with the Head teacher and where necessary obtain further details of the allegation and the circumstances in which it was made. (NB. The Head teacher should not investigate the allegation at this stage.) The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

If the allegation is not patently false and there is a cause to suspect that a child is suffering or is likely to suffer, significant harm, the LA designated officer will immediately refer to children's social care and ask for a strategy discussion in accordance with "working together" to be convened straight away. In those circumstances the strategy discussion should include the LA designated officer and the Head teacher. If the allegation involves the Head teacher then a report should be made direct to the LADO or the Chair of Governors who will then lead any possible investigation.

If there is not cause to suspect that "significant harm" is an issue, but a criminal offence may have been committed, the LA designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the School and any other agencies involved with the child.

The possible risk of harm to the child(ren) posed by an accused person needs to be effectively evaluated and managed. In some cases this will require the school to consider suspending the person until the case is resolved. Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, in order to protect the adult concerned, or the allegation warrants investigation by the police, or is so serious that it may be grounds for

dismissal. However a person will not be suspended automatically, or without careful thought.

The Head teacher will decide whether the circumstances of the case warrant a person being suspended from contact with children until the allegation is resolved, and may wish to seek advice from their personnel advisor.

The Head teacher will also consider whether the result that would be achieved from suspension could be obtained by alternative arrangements.

Neither the LA nor the police or children's services can require the School to suspend a member of staff or a volunteer. The power to suspend is vested in the Head teacher, Executive Head teacher and the Governing Body. However, the LA Designated Officer will canvass police/social care to inform the School's consideration of the suspension.

### **Action following initial consideration**

Where the initial consideration decided the allegation does not involve a possible criminal offence it will be for the employer 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 3 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 LA designated officer. In any case the investigating officer should aim to provide the report to the employer within 10 working days.

On receipt of the report of the disciplinary investigation, the Head teacher and Executive head teacher will consult with the LA designated officer, and decide whether a disciplinary hearing is needed within 2 working days. If a hearing is needed it should be held within 15 working days.

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

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The LA designated officer should continue to liaise with the School to monitor progress of the case and provide advice/support when required/requested.