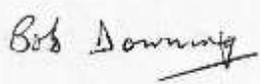




Kirkby High School

Allegations Management

Amending or Replacing previous policy	Yes
Date Adopted	20.11.13
Signature of Chair	
Date of Review	
Signature of Chair on review if unamended	
Date of next review	Nov 2018
Signature of Chair on review if unamended	



Allegations Management Policy

Kirkby High School

Principles

- 1.1** The school fully acknowledges its duty to safeguard and promote the welfare of all children. It also recognises and uphold responsibilities and duties when an allegation is made against a member of staff.
- 1.2** Through their day to day contact with children school staff are in a good position to observe the outward signs of abuse, changes in behaviour, or failure of a student to develop. Unfortunately, due to their close personal relationships with students, they are also vulnerable to allegations of abuse or misconduct. These allegations may be false, malicious or misplaced. They also may be true. Students can be harmed, either deliberately or as a result of a failure to follow procedures, policies or the code of conduct. The school, in dealing with allegations of abuse made against a member of staff, will ensure it reviews, and where appropriate, modifies procedures and practice.
- 1.3** This framework is wider than allegations where there is reasonable cause to believe a child is suffering, or likely to suffer, significant harm. It also covers allegations that might indicate a member of staff is unsuitable to continue to work with children in their present position, or in any capacity.

Definition of Safeguarding

Safeguarding and promoting the welfare of children is defined for the purpose of this document as:-

- Protecting children from maltreatment
 - Preventing impairment of children's health or development
 - Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
 - Undertaking the role so as to enable those children to have optimum life chances and enter adulthood successfully.
- 1.5** Safeguarding and the protection of children and young people from abuse and neglect is the duty of all staff. The Headteacher will ensure that staff and students are aware of how to report child protection concerns. It upholds the principle of Safeguarding and relates to other School policies including those relating to:-
 - Race, Gender & Disability Equality Schemes
 - Child Protection
 - Acceptable Use Policy
 - Behaviour Policy
 - Anti-bullying Policy
 - Positive Handling Policy (which may be included as part of the Behaviour Policy)
 - Drug Prevention Policy
 - Safer Recruitment
 - Whistle Blowing Policy
 - 1.6** The rights of the child and member of staff must be considered. However, where a conflict exists between the interests of the child and those of the adult, the child's interests must be paramount as required by the Children Act 1989.

This Allegations Management Policy has been written to comply with:-

- Working Together to Safeguard Children (2010)
- Children's Acts (1989) (2004)
- Education Act (2002)
- Safeguarding Children and Safer Recruitment in Education (2006)
- Guidance for Safer Working Practice for Adults Who Work in Education Settings (2009)

This is not an exhaustive list.

1.7 Promoting a safer culture

Child abuse may be physical, sexual, emotional or due to neglect. Adults who abuse children may be relatives or friends of the family, however some gain access to children in other contexts. A small minority gain access to children in schools as teachers, support staff or through voluntary involvement in school activities. The Headteacher is responsible for,

- Creating a safe and healthy learning environment
- Preventing and deterring unsuitable people gaining access to work with children and young people.

1.8 In order to promote a safe culture the Headteachers and Advisory Board/Governing Body require that:-

- **All** staff are aware of their duty to Safeguard children.
- Allegations or concerns made by or on behalf of a child should always be taken seriously and referred through the set procedures to the relevant agencies
- There is an open environment where children feel secure, and are encouraged to talk and feel listened to is establish and maintained
- Children and young people know that there are they can approach if they are worried.
- There is a professional code of conduct which is understood and agreed by all staff as part of their induction and continuing professional development.

The Headteacher and staff will continue to do all they can to ensure that the environment within schools encourages pupils and staff to make truthful reports of any inappropriate behaviour. An allegation made against a member of staff erodes some of the trust established in the staff team. This is true for both, a child or an adult reporting the allegation.

It is essential therefore to:-

- Ensure children who report that a member of staff has harmed them must be listened to and be taken seriously.
- Keep accurate and contemporaneous records.
- Establish and maintain an ethos where children and adults feel secure and are encouraged to talk, and are listened to, and that 'Listened to', means just that and on no account should suggestions be made to children, regarding alternative explanations for their worries.
- Agree a code of conduct for staff and also for students.
- Ensure that across the curriculum children are allowed to learn about keeping themselves and each other safe.
- Ensure that it is understood that making false allegations is a serious matter and may result in consequences for those involved.
- Recognise the power imbalance that not only exists between children and adults, but also between adults who have different professional status, and the implications this can have on the reporting of allegations and whistleblowing.

Section 2

The Aim of the Allegations Management Policy

2.1 This is a whole school document aimed at all staff including

- support staff
- cleaners
- grounds maintenance
- catering
- building maintenance
- governors
- volunteers
- children centre staff

2.2 It aims to promote a safe environment where child safeguarding concerns can be managed in an appropriate way. It supports the Safeguarding agenda, and draws links through, and is reflected in all relevant school policy documents.

2.3 This policy document offers clear guidelines for staff, and supports them through the process of managing an allegation against a member of staff

Underlying principals

- The welfare of the child is paramount.
- Adults about whom there are concerns should be treated fairly and honestly and should be provided with support.
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

Section 3

Allegations Management Procedures

3.1 Recognising and Responding to an Allegation

Staff should be aware that children and young people may feel uncomfortable to express concerns, All staff should therefore be aware that they have **a legal duty to take action**, if the concern is about the safety of children. These procedures should be applied when there is an allegation that a person who has worked with a child has:-

- Behaved in a way that has harmed, or may have harmed a child.
- Possibly committed a criminal offence against, or related to a child.
- Behaved towards a child or children in a way that indicated that he or she is unsuitable to work with children.

There are a number of sources from which an allegation or complaint might arise:

- A child or an adult
- A parent/carer
- A member of the public

- A worker
- Professional body

Historical allegations should be responded to in the same way as contemporary concerns. It is important to establish if the person is still working with children and if so inform the current employer or voluntary organization.

3.2 Roles and Responsibilities (see Appendix 2)

Knowsley Safeguarding Children Board (KSCB)

KSCB has a responsibility for ensuring that there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.

Local Authority Designated Officer (LADO)

The KSCB and Local Authority will appoint a Local Authority Designated Officer who will:-

- Be involved in the management and oversight of individual cases.
- Provide advice and guidance to employers and voluntary organisations.
- Liaise with the police, Crown Prosecution Service and other agencies.
- Responsible for referrals to the Independent Safeguarding Authority
- Monitor the progress of cases to ensure they are dealt with as quickly as possible consistent with a thorough and fair process.
- Report regularly to the KSCB on the number, nature and progress of cases.
- Link with Named Senior Managers in all agencies.

The Senior Manager and the LADO should consider the nature, content and context of the allegation and agree a course of action together.

Named Senior Officer

A Named Senior Officer will be identified in school as having the overall responsibility for:-

- Ensuring that the school operates these procedures for dealing with allegations.
- Resolving any inter agency issues that may arise.
- Liaising with the KSCB.

Named Senior Manager

The Named Senior Manager will be identified, and all allegations and concerns should be reported by schools to them or a deputy in their absence.

- Liaise with the LADO.
- Carry out risk assessments
- Attend strategy meetings
- Keep records of allegations

The Headteacher

An allegation made against a member of staff should be reported to the Headteacher immediately. The Headteacher must not take any action or commence investigations before consulting with the Named Senior Manager for Allegations Management. It is the responsibility of the Head Teacher

- To ensure the correct procedure is followed
- Accurate records are kept
- All members of the staff team are aware and have understood the policy and procedures around allegations management.

THE HEAD TEACHER/GOVERNOR MUST NOT TAKE ANY ACTION OR COMMENCE INVESTIGATIONS BEFORE CONSULTING THE LOCAL AUTHORITY AND THE BOARD OF DIRECTORS OF THE ROWAN LEARNING TRUST.

Following confirmation that there was the potential for contact, the Head Teacher/Chair of Governors will as appropriate:

- ask for a written account from the member of staff hearing the allegation, countersign and date the written account of the person reporting the allegation to record receipt
- record any information about times, dates, location and names of potential witnesses

It is the responsibility of the Police and the Social Services Department to investigate allegations of abuse.

THE HEAD TEACHER/GOVERNOR MUST NOT INTERVIEW THE CHILD, THE MEMBER OF STAFF OR OTHER POTENTIAL WITNESSES

Throughout the process Senior Managers will need to exercise their professional judgement. It is therefore important to

- Consult appropriately
- Acknowledge any lack of expertise or information
- Keep an open mind until a conclusion is reached
- Consider other options or alternatives
- Know and act in accordance with the law/appropriate procedures/guidance
- Take account of all relevant factors
- Apply the duty of care

Any allegation of abuse made against a teacher or other member of staff or volunteer in our school should be dealt with quickly, and consistently, in a way that provides effective protection for the child while also supporting the person who is the subject of the allegation.

There may be up to 3 strands in considering a concern or allegation.

- Police investigation of a criminal offence
- Enquiries and assessment by the children and families division about whether a child or young person is in need of protection or services.
- Consideration by the school of disciplinary action in respect of the individual.

The Chair of the Advisory Board/Local Governing Body

Should the Headteacher be subject to an allegation it is the responsibility of the Chair of the Advisory Board/ Local Governing Body to:-

- liaise with the designated senior manager
- Attend strategy meetings
- Record any information about times, dates, location and names of potential witnesses.
- Ask for a written account from the member of staff hearing the allegation, countersign and
- state the written account of the person reporting the allegation

The Police

The police have a responsibility to investigate allegations of abuse and should aim to complete their enquiries as quickly as possible, consistent with a fair and full investigation. They should at the outset:-

- Set a target for reviewing the progress of the investigation
- The review should take place no later than four weeks after the initial evaluation
- Consult with Crown Prosecution Service (CPS) about whether to:-
 - Proceed with the investigation
 - Charge the individual with an offence
 - Close the case

If the police or CPS do not charge the individual with an offence, administer a caution or the person is acquitted, the police should pass on all information which may be relevant to a disciplinary case, to the school forthwith. Should the disposal be a conviction the police should immediately inform the school so that appropriate action can be taken.

DCFS Principal Officers

In Knowsley DCFS Principal Officers chair strategy discussions following an allegation. Their role includes monitoring the progress of the case to ensure they are dealt with as quickly as possible. Also, to ensure any child/children named in the allegation are safeguarded and if relevant subject to child protection procedures.

Children and Families Social Work Team

Following an allegation Children and Families Social Work Teams may be involved in making enquires to determine whether the child/children named are in need of protection or services.

Should any information obtained during the course of these enquires be relevant to a disciplinary case it should be passed to the school or regulatory body without delay.

3.3 Children Centre/Child Care/ Extended School, staff employed by independent providers RM and Balfour Beatty.

There are a number of independent providers who may utilise the school facilities in order to carry out their activities. Such providers should have their own allegations procedures to follow. If an allegation is

made about their staff, the senior manager should inform the Head Teacher /Chair of Advisory Body/Governors, and reassure the appropriate allegations procedures have been followed.

Should an allegation be made against an adult in the school who is employed by Balfour Beatty it should be reported directly to the Headteacher /Chair of Advisory Board/Governors, who in turn will inform the KMBC contract monitoring manager.

3.4 Direct Referral to the Police

At our school we understand that parents or pupils may make a direct referral to the Police regarding a member of staff in such cases we ensure that:

- Any such referral must be dealt with in accordance with the procedures.
- However, in some cases the Police may wish to interview the member of staff against whom the allegation is made before the Headteacher has advised the member of staff of the allegation. This must be facilitated and confidentiality maintained. This should only occur on rare occasions following a serious allegation.

3.5 Reporting (See Appendix 1)

As part of reporting procedures our school will ensure that:-

- All allegations against a member of staff should be reported straight away to the Headteacher.
- In the absence of the Headteacher, or if the allegation concerns the Headteacher, it should be reported to the chair of the Advisory Board/Local Governing Body.
- The advice of the designated Local Authority Manager for allegations management is sought.
- Actions taken will be as a result of discussions with the Local Authority Manager for allegations management, for staff employed by the Trust.
- The Local Area Manager may inform the LADO of the allegation.

3.6 Record Keeping

Record keeping is an integral part of the management of allegations. It is essential that clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a persons confidential personnel file, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to future reference requests, provide clarification where a future CRB Disclosure reveals information from the police that didn't result in a criminal conviction and prevent unnecessary reinvestigation should an allegation resurface after a period of time.

The information should be kept on a staff members confidential personnel file, and a copy provided to the person concerned. The record should be kept until the person has reached normal retirement age, or for a period of 10 years from the date of the allegation if that is longer.

3.7 Suspension

For staff employed directly by the school the power to suspend is vested in the Headteacher and the Advisory Board/ Local Governing Body of the school.

Suspension for staff directly employed by the Trust will be considered if:-

- Information received indicates that the member of staff may have committed an act of gross misconduct.
- The individual's continued presence at the school could impede an investigation
- They could pose a risk to the child/other children at the school.
- There is cause to suspect a child is at risk of significant harm.
- The allegation warrants investigation by the police.
- The allegation is so serious that it might be grounds for dismissal.

If a decision is made that the alleged member of staff should be suspended either at the beginning of the process or during the investigation, **the Head Teacher must consult with the Executive Headteacher to ensure the correct procedure is followed.**

At times suspension will be the appropriate course of action, however when appropriate, alternatives to suspension should be considered e.g. removing the member of staff from direct contact with students, or ensuring the member of staff does not teach the student making the allegation. In order to meet the requirements of the allegations management process the Headteacher should put into place,

- A risk assessment which takes into account background information, and the context of the allegation and the possible risk of harm to children posed by an accused person will be completed for individual cases to determine whether the member of staff should be suspended.
- If the decision is made not to suspend, a copy of the completed risk assessment must be shared with the LADO and the Board of Directors of the Trust
- The risk assessment will be signed, dated and reviewed on a weekly basis.

3.8 Physical contact with students and Restraint

Allegations can often arise after a member of staff and student; have been involved in a physical intervention or restraint. Should this occur the Headteacher will contact the Executive Headteacher.

3.9 Timescales.

Every effort should be made to ensure the investigation is fair, thorough and is resolved as quickly as possible and effective management of cases should avoid unnecessary delay. Indicative target timescales are shown for different actions on the allegations process flow chart (see Appendix 1) however these are not performance indicators and the time taken to investigate and resolve individual cases depends on a variety of factors and considerations.

With regards to allegations where the initial consideration decides that the allegation does not involve a possible criminal offence, the school will deal with it as an employer. In such cases:-

- If the nature of the allegation does require formal disciplinary action, the Headteacher 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.**

In line with Working Together to Safeguard Children 2010 guidelines, unnecessary delay should be avoided.

3.10 After the investigation

If an allegation is shown to be false/unfounded we will:-

- Ensure children who make false allegations continue to receive support and full access to the curriculum.
- Consider whether someone else may have harmed the child and consider making a referral under child protection procedures.
- A strategy plan will be agreed outlining what action should be taken, by whom and when.
- Inform the member of staff concerned that no further action is to be taken.
- Ensure that if the member of staff has been suspended that necessary steps are taken to support the staff members return to work.

If a member of staff is found guilty at court we will ensure:-

- The matter will be considered by the Advisory Board/ Local Governing Body under disciplinary procedures, with guidance from the Trust.

If a member of staff is found not guilty at court we will attend a strategy meeting to determine:-

- Whether the matter needs to be dealt with under disciplinary procedures.
- A clear action plan with timescales to cover:-
 - Any further action via disciplinary procedures.
 - Information to be given to the child and family making the allegation.
 - Information to be given to staff group at school.
 - Information to be given to other parents.
 - Support to be made available to the child and or family.
 - Support to be made to the member of staff.

3.11 Disciplinary Investigation

The school will ensure that any disciplinary proceedings against staff relating to child protection matters are concluded in full, and will ensure that:-

- Any disciplinary investigation should be clearly separated from the Child Protection investigation.
- The Child Protection investigation must take precedence
- Whilst suspension of a member of staff may be appropriate during a Child Protection investigation, no school disciplinary procedures should be commenced without the consent of Police/Social Services Department.

The School acknowledges that:-

- It is good practice to not commence the disciplinary investigation until the outcome of the CP investigation is known.
- The staff member should not return to school until the disciplinary process is complete.
- A clear action plan should be put in place to support the child and member of staff.
-

Referral to the Independent Safeguarding Authority

In line with Working Together 2010, if the allegation is substantiated and on conclusion of the case the employer dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the school will consult the local authority designated officer about whether a referral to the Independent Safeguarding Authority and/or to a professional or regulatory body is required. If a referral is appropriate the report will be made within 1 month.

Section 4

Preventing unsuitable people working with children

4.1 In accordance with the school's Safer Recruitment policy the school will operate safer recruitment practices, including:-

- Promoting Safeguarding at advert.
- Thoroughly scrutinising applications.
- Ensuring pre appointment checks are completed.
- Ensuring appropriate CRB disclosures are undertaken according to DfES Safeguarding Children and Safer Recruitment in Education (2006).

4.2 Training - Induction of new staff

Anyone who joins the staff will participate in an induction, and as part of the induction process be fully briefed concerning their responsibilities around safeguarding, and expected code of conduct when working with children

- All new staff will participate in an induction which will include receiving training and information on Child Protection, Allegations Management, Safeguarding, etc.
- All new staff will have received a copy of the child protection policy and allegations management policy and will sign to say they have read and understood the documents.

4.3 Code of conduct for staff and students.

The School will ensure:-

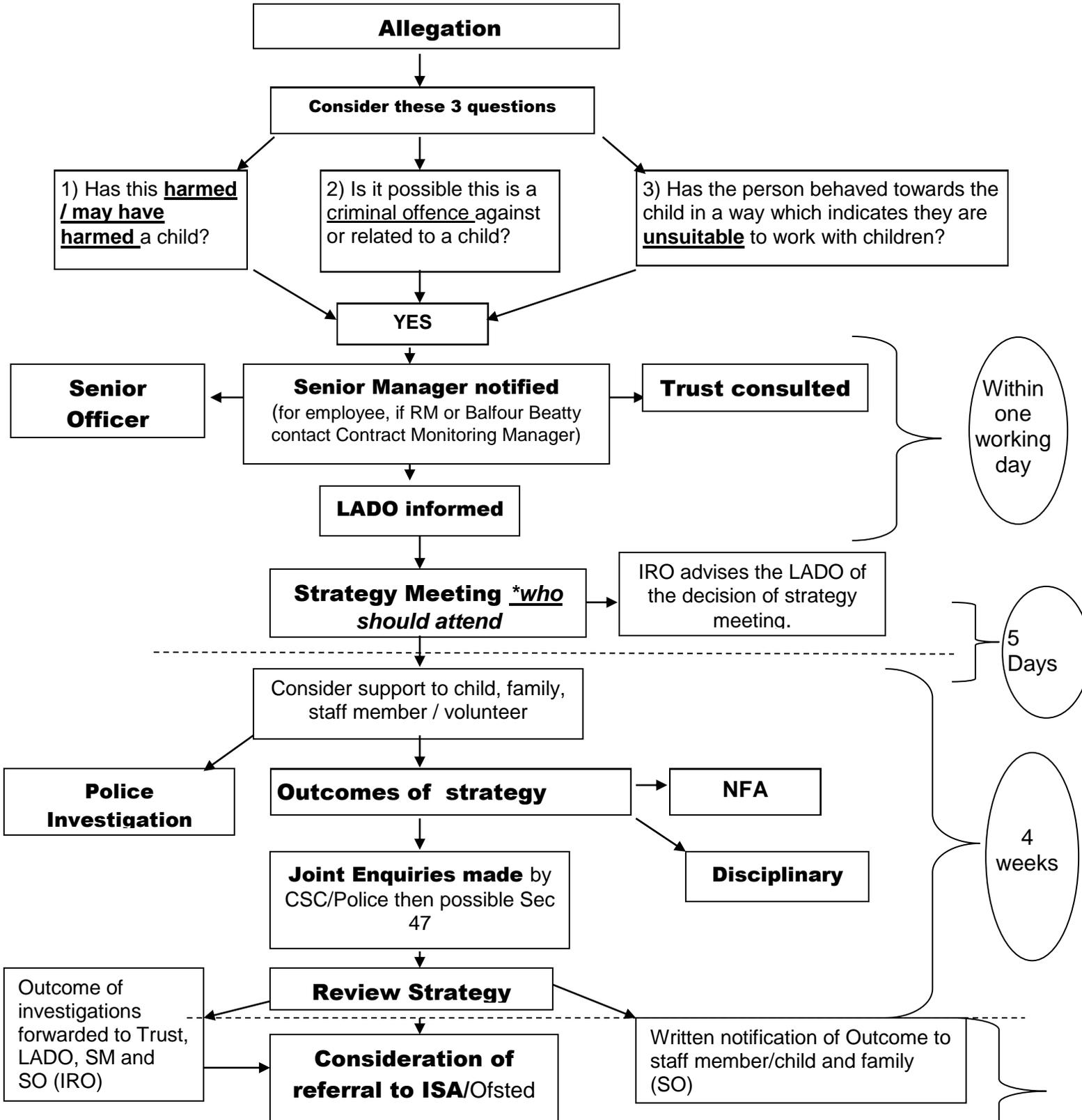
- That all staff including all paid and unpaid posts; school advisory board members/governors and those contracted to work on the School site are aware of the need for maintaining professional boundaries in their relationships with pupils and parents.
- That the staff team will agree and participate in the development and regular reviewing of a school Code of Conduct.

Section 5

Monitoring and Review

5.1 This policy and procedure describes the Allegations Management standards for our School and will be monitored annually. A report will be made annually to the Advisory Board/Local Governing Body by the Headteacher concerning the operation of the policy.

5.2 The policy will be reviewed every three years.



** Immediate action determined (re suspension) agree rep at Strategy meeting / senior managers to speak to registered manager if appropriate/ alleged perpetrator notified.

Who should always attend*

LADO (nominated IRO)

Senior Manager

Police

HR