

Dealing with allegations against School Personnel, Volunteers, Headteacher and Pupils Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Steven Lock

We at The Devonshire Hill Nursery and Primary School recognise that all school personnel are vulnerable to accusations of abuse because of their daily contact with children. We acknowledge that dealing with allegations against school personnel is a stressful, demanding, complex and delicate process for all involved. But we will ensure that all allegations will be taken seriously and investigated immediately and impartially in order to provide instant and effective protection for the child concerned and to provide support for the person who is the subject of the allegation.

We wish to create a culture of openness that will allow children and school personnel to make truthful reports of any inappropriate behaviour and in the knowledge that all allegations will be taken seriously.

We encourage all school personnel to protect themselves against false accusations by treating all children with dignity and respect, and to ensure that they never work alone with a child, always maintaining a safe and appropriate distance, avoiding physical contact and being cautious when dealing with sensitive moments.

We must ensure that school personnel do not suffer unnecessarily when false allegations have been made against them and that their careers are not wrecked/jeopardised.

We believe it is our duty to establish the reason why pupils make false allegations against school personnel and to put into place support procedures to help pupils overcome any problems they may have.

We understand that we have a legal duty once an allegation has been to undertake a full investigation, to record the decisions reached and action taken.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

This policy is to be read in conjunction with the following document:

- Keeping Children Safe in Education (DfE) 2016 – **Guidance A**

Aims

- To investigate all allegations against school personnel seriously and impartially by providing protection for the child and support for the named person in the allegation;
- To ensure compliance with all relevant legislation connected to this policy;
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

The Governing Body has:

- The responsibility to investigate any allegation against the Headteacher;
- Delegated powers and responsibilities to the Headteacher to investigate allegations against any member of the school personnel;
- Delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- Responsibility for ensuring that the school complies with all equalities legislation;
- Nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- Responsibility for ensuring funding is in place to support this policy;
- Responsibility for ensuring this policy and all policies are maintained and updated regularly;
- Make effective use of relevant research and information to improve this policy;
- Responsibility for ensuring all policies are made available to parents;
- The responsibility of involving the House Captains in the development, approval, implementation and review of this policy;
- Nominated a link governor to visit the school regularly, to liaise with the Headteacher and the coordinator and to report back to the Governing Body;
- Responsibility for the effective implementation, monitoring and evaluation of this policy.

The Headteacher will:

- Investigate all allegations against any member of the school personnel;
- Refer any allegation against a teacher no longer working in the school to the police;
- Refer any allegation against a teacher no longer teaching to the police;
- Consult with the Local Authority Designated Officer when an allegation has been made;
- Appoint an independent investigator if the allegation is deemed to be serious;
- Share information about the named person in the allegation and the alleged victim with all agencies involved in the investigation;
- Keep the person who is the subject of the allegation informed of the progress of the investigation;
- Provide support for the person who is the subject of the allegation;
- Keep parents informed of the investigation and outcome;
- Provide appropriate support and counselling for the child and parents during the whole process;
- Consider suspending the person who is the subject of the allegation;
- Consider suspending the child if it is felt there is a risk of significant harm to the child from the person accused;
- Make every effort to maintain confidentiality and to prevent unnecessary publicity;
- Provide return to work support such as Occupational Health support for a member of the school personnel returning to work after suspension following a positive conclusion to the investigation;
- Consult with the Local Authority Designated Officer what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false;
- Work closely with the link governor and the Designated Child Protection Teacher;
- Provide leadership and vision in respect of equality;
- Provide guidance, support and training to all staff;
- Monitor the effectiveness of this policy by speaking with school personnel, parents and governors.

The Designated Safeguarding Lead or Deputy will:

- Ensure the implementation of this policy;
- Ensure everyone connected with the school is aware of this policy;
- Work closely with the Headteacher and the nominated governor;
- Be trained in child protection policy procedures;

- Renew training every three years to:
- Understand the assessment process
- Understand the procedures of a child protection case conference and child protection review conference;
- Understand the specific needs of children in need;
- Understand the specific needs of children with special educational needs and those of young carers
- Have in place a secure and accurate record system of all concerns and referrals
- Take the lead in dealing with child protection issues;
- Keep a confidential Child Protection Register of all those pupils known to be at risk and only if it is confirmed by social services that the child is at risk;
- Be trained in working with all agencies;
- Familiarise school personnel with the policy and procedures;
- Investigate and deal with all cases of suspected or actual problems associated with child protection;
- Ensure parents are aware that referrals about suspected abuse or neglect may be made;
- Make child protection referrals;
- Record all child protection referrals;
- Co-ordinate action within the school;
- Liaise and seek advice from the Local Authority Designated Officer when the need arises;
- Liaise with social care and other agencies;
- Transfer the child protection file of any pupil leaving to join another school;
- Provide support for any child at risk;
- Not promise confidentiality to any child but always act in the interests of a child;
- Act as a source of advice within the school;
- Help create a culture within the school of listening to children;
- Keep up to date with all new guidance on safeguarding children;
- Keep all school personnel up to date with any changes to procedures;
- Organise appropriate training for school personnel and governors;
- Ensure all incidents are recorded, reported and kept confidential;
- Keep all paperwork up to date;
- Report back to the appropriate school personnel when necessary;
- Annually review the policy with the Headteacher.

School personnel will:

- Comply with all aspects of this policy;
- Be aware of all other linked policies;
- Maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- Implement the school's equalities policy and schemes;
- Report and deal with all incidents of discrimination;
- Attend appropriate training sessions on equality;
- Report any concerns they have on any aspect of the school community.

Managing allegations against other children

Occasionally, allegations may be made against other children by others in the school, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is likely that to be considered a safeguarding allegation against a pupil, some of the following features will be found.

The allegation:

- is made against an older pupil and refers to their behaviour towards a younger pupil or a more vulnerable pupil;
- is of a serious nature, possibly including a criminal offence;
- raises risk factors for other pupils in the school;

- indicates that other pupils may have been affected by this student;
- indicates that young people outside the school may be affected by this student

Examples of safeguarding issues against other children could include:

Physical Abuse

- violence, particularly pre-planned;
- forcing others to use drugs or alcohol

Emotional Abuse

- blackmail or extortion;
- threats and intimidation

Sexual Abuse

- indecent exposure, indecent touching or serious sexual assaults;
- forcing others to watch pornography or take part in sexting

Sexual Exploitation

- Encouraging other children to engage in inappropriate sexual behaviour (For example - having an older boyfriend/girlfriend, associating with unknown adults or other sexually exploited children, staying out overnight);
- encouraging other children to attend inappropriate gatherings;
- Photographing or videoing other children performing indecent acts;
- photographing or videoing other children performing indecent acts

Gangs related issues

In areas where gangs are prevalent, older students may attempt to recruit younger pupils using any or all the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

Minimising the risk of safeguarding concerns towards pupils from other children

On occasion, some students will present a safeguarding risk to other children. The school should be informed that the young person raises safeguarding concerns, for example, they are coming back into school following a period in custody or they have experienced serious abuse themselves.

These students will need an individual risk management plan to ensure that other pupils are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

What to do if an allegation is made against a child

When an allegation is made by a pupil against another student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed.

A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances.

The DSL should contact children’s services – single point of access to discuss the case. It is possible that social services are already aware of safeguarding concerns around this young person. The DSL will follow through the outcomes of the discussion and make a social services referral where appropriate.

The DSL will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils' files.

If the allegation indicates a potential criminal offence has taken place, the police should be contacted at the earliest opportunity and parents informed (of both the child being complained about and the alleged victim).

It may be appropriate to exclude the pupil being complained about for a period of time according to the school's Pupil Behaviour and Discipline Policy.

Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures.

In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan.

The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

Procedure to Report Allegations

School personnel must:

- Make a dated and timed written record of the disclosure or incident causing concern about a member of the school personnel or a school volunteer;
- Inform the Designated Safeguarding Lead or Deputy;
- Make a dated and timed written record of the disclosure or incident causing concern about the Headteacher; Inform the Chair of Governors who will deal with the allegation;
- Make a dated and timed written record of the disclosure or incident causing concern about a pupil;
- Inform the Designated Safeguarding Lead or Deputy Child Protection Teacher.

The Designated Safeguarding Lead/Deputy will:

- Follow up the referral;
- Make records of any discussions and any investigation that takes place;
- Decide whether to take the referral further or to monitor the situation;
- Keep the person informed who initially reported the allegation of the decision made

The Chair of Governors will:

- Make a dated and timed written record of the disclosure or incident causing concern if no written record has been presented to the Chair of Governors;
- Inform the Local Authority Designated Officer

The Local Authority Designated Officer will:

- Work with and alongside the school when dealing with allegations against school personnel;
- Call for the intervention of the police and children's care services if they feel the allegation is very serious;
- Advise the school of the course of action if they consider the intervention by police and children's care services is not necessary;
- Consult with the school what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false

The named person in the allegation will:

- Be kept informed of the course of action after the initial consultation with the Local Authority Designated Officer;
- Be kept informed of all stages of the investigation;

- Be advised to contact their union or professional association as soon as an allegation has been made;
- Be advised by their union or professional association at all stages of the investigation

Suspension of the Named Person in the Allegation

Suspension will only take place if:

- A child or children are at risk;
- The allegation is of a very serious nature;
- It will help in the smooth running of the investigation

Records of Allegations

A detailed record of each allegation must be kept which clearly shows the:

- Nature of the allegation
- Follow-up action
- Decision reached
- Action taken

Written records must be:

- Kept on the person's confidential personnel file with a copy given to the person concerned;
- Kept for a period of 10 years

Details of allegations that are found to be malicious (that is allegations made to deliberately to deceive) will be removed from personnel records and will not be included in any future references.

In cases of an allegation being deliberately invented or malicious we will consider taking action against those who have made false accusations.

Role of Parents / Carers

Parents/carers will:

- Be aware of and comply with this policy;
- Be aware that under section 141F of the Education Act 2002 that there is a prohibition on reporting or publishing allegations about teachers;

Confidentiality

When an allegation has been made and during the investigation we will do everything possible to maintain confidentiality.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- The Staff Handbook
- The school website
- Meetings with school personnel and volunteers
- Reports such as the annual report to parents and Headteacher reports to the Governing Body
- Information displays in the main school entrance

Training

All school personnel:

- Have equal chances of training, career development and promotion
- Receive training on induction which specifically covers:
 - All aspects of this policy
 - Safeguarding and Child Protection
 - School Personnel Code of Conduct
 - Equal opportunities
 - Inclusion
- Receive periodic training so that they are kept up to date with new information;
- Receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Tuesday 20th December 2016.