

# FIRTHMOOR PRIMARY SCHOOL



## Statement of Procedures for dealing with allegations of abuse against staff

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## Statement of Procedures for dealing with allegations of abuse against staff

**This statement applies to all pupils, staff, (including supply staff) governors, and visitors to Firthmoor Primary School who have a responsibility to recognise abuse in its many forms.**

Firthmoor Primary School takes its responsibility of care for its pupils seriously. Effective safeguarding of children can only be achieved by operating a child centred and coordinated approach to safeguarding and promoting the welfare of every child. Every individual and agency work together in sharing information and taking prompt action to support the needs of our most vulnerable children.

These procedures are intended to provide guidance relevant to a wide range of situations in which an allegation or concern arises about the conduct of a person who 'works' with children. Reference to children within the document is intended to include anyone who has not yet reached their 18th birthday. All allegations of abuse or ill treatment of children must therefore be taken seriously and treated in accordance with these procedures.

Working Together to Safeguard Children and Keeping Children Safe in Education.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. Any investigation of an allegation of abuse against a member of staff must follow the professional standards and procedures described here.

The aim of the Procedures is to:

- Ensure that allegations are dealt with quickly and in a fair manner
- Prevent unsuitable people from working with children and young people
- Promote safe practice and challenge poor / unsafe practice
- Contribute to effective partnership working
- Improve practice through sharing experience and lessons learned

It is important that everyone is able to raise concerns about what seems to be poor or unsafe practice by colleagues and that concerns expressed by children, parents and others are listened to and taken seriously. When an allegation is made against a member of staff, set procedures must be followed. It is important to have a culture of openness and transparency and a consultation with the Designated Safeguarding Officer **within one working day** if staff have;

- Behaved in a way which has harmed, 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 they would pose a risk of harm to children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

This can be in connection with his/her employment or voluntary activity or where:

- there are concerns about a person's behaviour or conduct in their personal or professional life that might indicate their unsuitability to work with children
- concerns arise about a person's behaviour with regard to his / her own children and if they or their child have been subject to a child protection investigation
- concerns arise about the behaviour in the private or community life of an individual, their partner,

member of their family or other household member where there may be concerns around transferable risk, for example, where a person who works with children is involved in a domestic abuse incident at home and this may have implications for their suitability to work with children.

The procedures also apply where there are concerns relating to inappropriate relationships between those who work with children or young people as outlined in the Sexual Offences Act 2003, namely:

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.)
- possession of indecent images of children or use of the Internet to access indecent images of children

Firthmoor Primary School will always comply with Darlington Borough Council Safeguarding Partnership Procedures. [Darlington Safeguarding Partnership - Managing Allegations](#).

### **If you have concerns about a colleague**

Staff who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and concerns of poor practice or concerns about a child's welfare brought about by the behaviour of colleagues should be reported.

Any allegation or concerns must be reported to the Designated Safeguarding Lead or Deputy Safeguarding Lead in the absence of the DSL. You must:

- Make a signed and dated written record of your concerns, observations or the information you have received and give it to the DSL/Headteacher straight away.
- Maintain strict confidentiality

Should the allegation be made against the Headteacher, then this should be immediately reported to the Chair of Governors.

### **Roles and Responsibilities for the current Academic Year:**

<b>Designated Safeguarding Lead:</b>	Mrs Ann Dixon – Headteacher
<b>Deputy Safeguarding Leads</b>	Mrs Victoria Morrow – Deputy Headteacher Mrs Dawn Kilpatrick – Inclusion officer
<b>Designated Safeguarding Governor</b>	Mrs Pat Irving
<b>Chair of Governors</b>	Mr Bill Paton

### **Initial actions following an allegation**

There are a number of sources from which a complaint or an allegation might arise, some examples include:

- directly from a child
- from a parent or other adult
- from Police or local authority children's social care
- from a member of the public
- from concerns generated through an employment relationship (whistle blowing)
- from a disciplinary investigation
- disclosed anonymously or online
- perpetrator disclosing the allegation to the employer

The person who has received an allegation, or witnessed an event will immediately inform the Headteacher / Designated Safeguarding Lead who will discuss the matter with the Darlington Safeguarding Partnerships designated officer and provide any further details of the allegation and the circumstances in which it was made. The Headteacher will not investigate the allegation at this stage. The lead officer / DPO should:

- ensure that a referral to Childrens Initial Advice Team has been made if a child has suffered, or is at risk of suffering significant harm
- obtain written details of the concern/allegation, signed and dated by the person receiving the allegation
- acknowledge receipt of and date the written details
- record any information about times, dates and location of incident and names of any potential witnesses
- record any discussions about the child and/or member of staff, any decisions made and the reasons for those decisions.

The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. Procedures need to be applied with common sense and judgement, but allegations will be taken very seriously.

Following this discussion, if it is believed that the allegation will be referred on, then this would be done with immediate effect. The member of staff will not be approached at this stage unless it is necessary to address the immediate safety of children.

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted

- Temporarily redeploying the individual to another role in a different location, for example to an alternative school

If the allegation has caused 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 request a strategy meeting in accordance with Working Together to Safeguard Children. In those circumstances the strategy meeting should include the local authority designated officer, the Headteacher, the Chair of Governors and key safeguarding personnel. 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.

Where the Academy is not the employer of the supply staff, Agencies should be fully involved and cooperate in any enquires from the LADO, police or the local authority children's services. Governing bodies and proprietors should discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation and agencies are required to follow the guidance of their internal procedures to support their staff member.

If it is identified that the individual is employed by more than one independent supply agency, the local authority will take the lead in terms of co-ordination. If the individual works for several supply agencies and the concern relates to an individual's suitability, for example, their behaviour outside of the employment, coordination being undertaken by the local authority in which he/she normally resides.

#### **Action following initial consideration**

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Headteacher to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within three working days.

If a formal disciplinary hearing is required, then the Academy disciplinary procedures will be followed and a hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action the investigating officer should aim to provide a report to the employer within 10 working days. Following receipt of this report, a disciplinary hearing should then be held within 15 days.

In cases in which children's social care team has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher 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.

If an individual, including a volunteer, resigns or is removed from work involving children because of a safeguarding issue, the Academy must make a referral to the Disclosure and Barring service

#### **Whistle-Blowing/Confidential Reporting Policy**

All staff and volunteers are made aware of the Organisation's whistle-blowing / confidential reporting policy and should feel able to raise concerns about poor or unsafe practice. They should be confident that such concerns will be taken seriously by the senior leadership team. If a staff member feels unable to raise an

issue with their employer, or feels that their genuine concerns are not being addressed, staff can contact the [Darlington Safeguarding Board](#)

**Darlington Borough Council has appointed a Designated Officer who is:**

**Marion Garland**

**Telephone: 01325 406451      Secure e-mail: [designatedofficer@darlington.gov.uk](mailto:designatedofficer@darlington.gov.uk)**

The NSPCC whistleblowing helpline is also available as an alternative route for staff who do not feel able to raise concerns regarding child protection or have concerns about the way a concern is being handled.

NSPCC Whistleblowing Advice Line on 0800 028 0285, line is available from 8:00 AM to 8:00 PM, Monday to Friday or report it online at [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

If a child is in immediate danger, call 999 or contact the NSPCC on 0808 800 5000

### **Allegations Against Staff in Their Personal Lives**

If an allegation or concern arises about a member of staff outside of their work with children and this may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The disclosure of information should be proportionate to the circumstances and shared as follows:

- where necessary and relevant (not simply all of the information held) • with relevant people who need all or some of the information
- where there is a specific need for that information to be shared at that time

Consideration should be given to deciding whether the concern justifies:

- approaching the member of staff's employer for further information, in order to assess the level of harm
- inviting the employer to an initial evaluation meeting

If the allegations arising from the employee's private life result in a Child Protection Investigation or a criminal investigation and there are concerns about their suitability to work in a position of trust, then it is more likely that it is necessary for the DO convene an Allegation Management meeting.

### **Confidentiality**

The Academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The DSL will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality

- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

Staff, parents and governors are reminded that publication of material that may lead to the identification of a teacher who is the subject of an allegation is prohibited by law. Publication includes verbal conversations or writing, including content placed on social media sites. The Academy will communicate this to all parties.

### **Record-keeping**

The case manager will maintain clear and comprehensive records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- Events leading to the allegation or concern
- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)
- Final outcome

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual. Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that are found to be malicious will be deleted from the individual's personnel file.

### **References**

References should include accurate information taken from the personnel file and individual organisations need to have appropriate consideration and procedures to cover providing information in references in relation to allegations including where sanctions are 'spent'.

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

### **Learning lessons**

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified

- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

### **Complaints**

If you are not satisfied with any part of the process relating to an allegation that has been handled by the Designated Safeguarding Officer, then a complaint can be made to Darlington Borough Council. You can:

- Use their [online complaints, compliments and comments form](#)
- email [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)
- Telephone 01325 406777