



## **Prudhoe Community High School**

### **ALLEGATIONS OF ABUSE POLICY AND PROCEDURE**

In keeping with Prudhoe Community High School's other policies and procedures, this document is issued for guidance and is not intended to have contractual effect. Prudhoe Community High School reserves the right to vary, amend or depart from the contents of this policy and procedure from time to time in appropriate circumstances.

#### **1.0 Policy**

Prudhoe Community High School will provide a safe environment in which pupils/students can learn and is committed to providing the highest possible level of care for both our pupils/students and our staff.

Prudhoe Community High School will take all allegations of abuse made against a member of staff seriously and investigate immediately.

Prudhoe Community High School will ensure that allegations of abuse made against a member of staff will be investigated quickly, fairly, consistently and thoroughly, and in a way that does not prejudice either the child or the member of staff.

Prudhoe Community High School will provide effective protection for the child and at the same time support the subject of the allegation.

Allegations will be reported to the Headteacher immediately, or the Chair of Governors/Trustees where the Headteacher is the subject of concern.

#### **2.0 Scope**

This policy and procedure applies to all full time, part time permanent, temporary and casual teacher and support staff employees, workers, apprentices, trainees, volunteers and agency workers.

This policy and procedure should be applied in conjunction with Keeping Children Safe in Education (Department for Education statutory guidance [www.gov.uk](http://www.gov.uk)) and other relevant Prudhoe Community High School policies and procedures which includes disciplinary policy and procedure, whistleblowing policy and procedure, safeguarding children policies and procedures and the behaviour policy and procedure.

### 3.0 Definitions

**Employee:** full time, part time, permanent and temporary teachers and support staff who undertake to do work under an employment contract for Prudhoe Community High School personally. Employees are entitled to a wide range of employment rights.

**Worker:** full time, part time, permanent, temporary individuals who undertake to do, or perform personally, work or a service for, Prudhoe Community High School whether under a contract of employment or any other contract for a reward. 'Worker' includes agency workers, casual workers, but normally excludes those who are self-employed and work that is part of a client or customer relationship. Workers are entitled to some employment rights, including holiday pay and protection against unlawful discrimination.

**Volunteer:** individuals who willingly, without being required to, carry out unpaid work for Prudhoe Community High School.

**Staff:** employees, workers and volunteers.

**Local Authority Designated Officer (LADO):** Each local authority has a statutory responsibility to have a Local Authority Designated Officer (LADO) who is responsible for co-ordinating the response to concerns that an adult who works with children may have caused them, or could cause them, harm. The LADO works within the Children's Services department, liaises with the police and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people.

### 4.0 Principles

The allegations of abuse policy and procedure will be used where it is suspected or alleged that a member of staff has:

- behaved in a way that has harmed a child, may have harmed a child or was intended to harm a child;
- behaved in any way that suggests they may be unsuitable to work with children
- possibly committed a criminal offence against, or related to, a child; or
- behaved towards a child or children in a way that indicates that s/he would pose a risk of harm to children.

Prudhoe Community High School will ensure that any member of staff facing an allegation is provided with effective support.

Prudhoe Community High School will deal with any allegations made against members of staff quickly and in a fair and consistent way that provides effective protection for the child and at the same time supports the member of staff that is the subject of the allegation.

Prudhoe Community High School will not suspend a member of staff without serious consideration. Suspension is not automatic once an allegation has been made and other appropriate courses of action will be explored.

Prudhoe Community High School will work in partnership with other agencies on the management of an allegation of abuse which may involve one or all of the following actions:

- 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; and
- consideration of disciplinary action against the member of staff.

## **5.0 Responsibility**

### **5.1 Governing Body/Board of Trustees**

The Governing Body/Board of Trustees has responsibility for adopting, developing and reviewing this policy and procedure and ensuring that effective monitoring systems and procedures are in place. The Governing Body/Board of Trustees has delegated the decision to suspend an employee under this policy and procedure to the Headteacher. Where the allegation has been made against the Headteacher, the decision to suspend lies with the Chair of Governors/ Trustees.

### **5.2 Headteacher**

The Headteacher is responsible for:

- suspending an employee; and
- ensuring that any allegations made against staff are managed effectively and that concerns are considered confidentially and seriously.

### **5.3 Staff**

All members of staff will:

- familiarise themselves with Prudhoe Community High School's policies and procedures relating to safeguarding of children, including this policy and procedure;
- ensure that they understand the procedure to follow should they receive an allegation of abuse made against another member of staff, or if they have concerns themselves; and
- report any concerns immediately.

5.4 Responsibility for this policy and procedure lies with the Headteacher who has overall responsibility for ensuring that this policy and procedure is fully implemented and communicated to all staff.

## **6.0 Formal Procedure**

### **6.1 Reporting an Allegation**

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Headteacher, regardless of whether Prudhoe Community High School is where the alleged abuse took place.

The Headteacher will contact the Local Authority Designated Officer (LADO). Complaints about the Headteacher should be reported to the Chair of Governors/Trustees who will contact the LADO.

The Headteacher and the LADO will make an initial evaluation of the case and consider the evidence including whether there are any witnesses, whether the pupil and the subject of the allegation were present at the time and place the situation is alleged to have happened and any available CCTV. The Headteacher and the LADO will decide a course of action which may include:

- No further action is needed;
- A strategy discussion should take place. Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm there should be a strategy discussion involving local authority children's social care (including the fostering service, if the child is looked after), the police, health and other bodies such as the referring agency. This might take the form of a multi-agency meeting or phone calls and more than one discussion may be necessary. A strategy discussion can take place following a referral or at any other time, including during the assessment process. (Further information on a strategy discussion can be found in Working Together to Safeguard Children [www.gov.uk](http://www.gov.uk));
- The immediate involvement of the police and/or social care.

## 6.2 Informing the Subject of the Allegation

The Headteacher should inform the subject of the allegation as soon as possible, after consulting the LADO. It is extremely important that s/he is given as much information as possible at that time, including an explanation of the likely course of action.

However, where a strategy discussion is required or the police and/or children's social care need to be involved, the Headteacher should not inform the subject of the allegation until those agencies have been consulted and have agreed what information can be disclosed to the individual.

## 6.3 Suspension

The decision to suspend the subject of the allegation is the responsibility of the employer, and the Headteacher (or Chair of Governors/Trustees if applicable) must consider carefully whether the circumstances of the case warrant the individual being suspended from duty or whether alternative arrangements can be put in place until the allegation or concern is resolved. Suspension should not be the default position: the subject of the allegation should be suspended only if there is no reasonable alternative. In reaching a decision the Headteacher/Chair of Governors/Trustees will take in to account the views of the LADO, the police and/or children's social care.

Actions to avoid the need to suspend could include:

- redeployment within Prudhoe Community High School so that the subject of the allegation does not have direct contact with the child/children concerned;
- the subject of the allegation remaining in his/her current role, but ensuring that all contact with children is supervised;

- redeploying to alternative work in Prudhoe Community High School so the subject of the allegation does not have unsupervised access to children;
- temporarily redeploying the subject of the allegation to another role in a different location.

A suspension will be deemed appropriate where there is cause to suspect a child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. Any suspension of an employee will be in accordance with the provisions set out in the Prudhoe Community High School's disciplinary policy and procedure. If suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the Headteacher. This should include what alternatives to suspension have been considered and why these were rejected.

Where suspension would be deemed appropriate but the allegations relate to a volunteer or other worker the subject of the allegation and/ or the relevant organisation/agency will be informed in writing within one working day that the individual is not required to attend the Prudhoe Community High School giving as much detail as appropriate as to the reasons for this decision. The correspondence should include details of the allegation and the investigation process.

Where the subject of the allegation is suspended, particular care will be taken to ensure s/he is kept informed of both the progress of their case and current work related issues. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

#### 6.4 Investigation

An investigation in to the allegations will normally be carried out by children's social care or Prudhoe Community High School This will be agreed with the LADO at the initial evaluation stage and/or at a strategy discussion.

Where Prudhoe Community High School conducts the investigation this will be done in accordance with the Prudhoe Community High School's disciplinary policy and procedure.

Where the Prudhoe Community High School is not conducting the investigation it will cooperate fully with investigating agencies. Internal investigations under the Prudhoe Community High School disciplinary policy must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Where the allegations result in a criminal investigation taking place, wherever possible Prudhoe Community High School will ask the police to obtain consent from the subject of the allegation and any witnesses to share their statements and evidence for use in the ' Prudhoe Community High School's disciplinary process.

#### 6.5 Determining the Outcome of the Investigation

The following definitions should be used when determining the outcome of allegations of abuse investigations:

**Substantiated:** there is sufficient evidence to prove the allegation;

**Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

**False:** there is sufficient evidence to disprove the allegation;

**Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

## 6.6 On Conclusion of a Case

Where an allegation is substantiated and an individual is dismissed or Prudhoe Community High School ceases to use their services, Prudhoe Community High School will refer the matter to the Disclosure and Barring Service and in the case of teaching staff, the matter will be referred to National College for Teaching and Leadership.

If it is decided that the subject of the allegation may return to work (after a suspension) then provisions will be put in place to ensure the transition is as smooth as possible. This may involve a phased return for a short period of time and for no longer than three weeks, or another member of staff may support the individual in the short term.

If the child who made the allegations is still at the school, Prudhoe Community High School will decide the most appropriate course of action to manage the contact between the member of staff and the child.

## 7.0 Timescales

Prudhoe Community High School accepts that it is in the interests of all those involved to resolve allegations of abuse cases as quickly as possible. All allegations will be investigated as a priority. However the time taken to investigate and resolve individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegation. Prudhoe Community High School aims to resolve the majority of cases within three months. Where it is immediately clear that the allegation is unsubstantiated, or malicious, Prudhoe Community High School aims to resolve these cases within one week.

## 8.0 Supporting the Subject of the Allegation

Prudhoe Community High School has a duty of care to its staff and will seek to minimise the undoubted stress and anxiety of any allegations and the disciplinary process.

Where the police or children's social care is involved, they will advise what information can be disclosed to the subject of the allegation. A named contact will be appointed and will keep the individual informed of the progress of the case and any other work related issues. The named contact will advise the subject of the allegation will to contact his/her trade union representative and also advise of any welfare support that may be available.

## 9.0 Supporting the Subjects of the Allegation and their Parent/Carer

Parents and carers will be notified if their child makes an allegation or is involved in an allegation against staff by the Headteacher as soon as possible. However, where a strategy discussion is required, or if the police or children's social care are to be involved, they will advise the Headteacher as to what information may or may not be disclosed to the parents/carers.



Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution the outcome will be explained to them. This will include the outcome of any disciplinary process although the details of any disciplinary hearing will remain confidential.

## **10.0 Confidentiality**

Prudhoe Community High School will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Prudhoe Community High School will abide by legislation regarding reporting restrictions preventing the publication of any material that may lead to the identification of a member of staff teacher who has been accused by, or on behalf of, a pupil from the same school. The spirit of the legislation will be extended to all staff who are the subject of allegations.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against staff whilst investigations are ongoing. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be advised to seek legal advice.

## **11.0 Malicious or False Allegations**

Where an allegation is proven to be false, the Headteacher may refer the matter to children's social care to determine whether the child is in need of specialist care, or to help understand if they are being abused elsewhere.

If it is found that the allegation was intentionally factitious and malicious, the Headteacher will decide what the proper sanction will be for the child who made the false allegation in accordance with Prudhoe Community High School's Pupil Behaviour policy. Where a false allegation is made by an individual that is not part of the school community, the Headteacher may involve the police who may take appropriate action against the individual responsible.

## **12.0 Record Keeping**

Any details of allegations which are found to have been malicious will be removed from personnel records. However for any other allegation, a clear and comprehensive summary of the allegations will be retained on any personnel file until the individual has reached normal pension age, or 10 years if that is longer.

## **13.0 Resignations and Settlement Agreements**

Prudhoe Community High School will not enter into a settlement agreement that prevents the Prudhoe Community High School from making a DBS referral or disclosing any concerns there may be on an individual's suitability to work with children in future references.

In cases where an employee resigns, or a worker or volunteer withdraws their services, every effort will be made to conclude the process. Where an employee resigns and leaves the Prudhoe Community High School before the matter is concluded, a hearing may still be convened and the accused will be given the opportunity to answer the allegations and make representations. A record of the outcome of these proceedings will be retained on the personnel file.

## 14.0 Monitoring and Review

This policy and procedure will be monitored and reviewed biannually by the Headteacher. Where there are issues with the way the policy and/or procedure are working, these will be looked at closely with a view to identifying measures to improve their effectiveness.

### Document Record

<b>Version</b>	<b>Reason for Amendments/Update/Review</b>	<b>Date of Adoption by PCHS July 2021</b>	<b>Date of next review</b>
1.0	New policy and procedure provided by debbiejuddh	Via Chair's Action 05/07/2021	July 2023