

Newton Tony CE VC Primary School	
Managing allegations against staff (including supply teachers and volunteers)	
Policy agreed	September 2020
Policy review	This statement will be reviewed and updated annually or earlier if required.

Newton Tony CE VC Primary School has a strong ethos of safeguarding, you will receive our safeguarding leaflet on arrival which identifies our Designated Safeguarding Lead and procedures to follow if you have any concerns.

What does the term 'abuse' mean?

According to the DfE guidance, an allegation of abuse generally means that the member of staff has allegedly: -

- behaved in a way that has harmed, or may have harmed, a child or young person
- possibly committed a criminal offence against or related to a child or young person
- behaved towards a child or young person in a way that indicates that they are unsuitable to work with them.

Our school follows the procedure set out by the Wiltshire Safeguarding Vulnerable People Partnership for managing 'Allegations against adults' flowchart which is displayed in the staffroom and adult cloakrooms for easy reference. All members of staff and volunteers understand this flowchart, our school's Staff Behaviour Policy and our Code of Conduct (for safer working practice).



If you become aware that a member of staff/volunteer/supply or bank staff **MAY** have:

- Behaved in a way that **has harmed** a child, or **may have harmed** a child;
- Committed a **criminal offence** against or related to a child or
- Behaved towards a child or children in a way that indicates they **may pose a risk of harm** to a child
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

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Where a child also discloses abuse or neglect by a member of staff, volunteer or supply/bank staff:

- Listen; take their allegation seriously; reassure that you will take action to keep them safe
- Inform them what you are going to do next
- Do not promise confidentiality
- Do not question further or approach/inform the alleged abuser



Report immediately to the person in charge: Miss Sheena Priestley (Head Teacher and Designated Safeguarding Officer). In person, email head@newtontony.wilts.sch.uk or telephone 01980 629232. Where anyone in the school has a concern about the behaviour of an adult who works or volunteers at the school, including supply staff, they must immediately consult the Head teacher who will refer to the Designated Officer for Allegations (DOFA). All staff must remember that the welfare of a child is paramount and they must not delay raising concerns by a report that could jeopardise their colleague's career. Any allegation of abuse will be dealt with in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Any concern or allegation against the Head Teacher will be reported to: Lt Col Rachel Lamont and /or Kristina Auckland: (Joint Chairs of Governors) email ChairofGovernors0476@newtontony.wilts.sch.uk Any concern or allegation against the Head teacher will be reported to the Chairs of Governors without informing the Head teacher.



Report the allegation within one working day to the Designated Officer for Allegations (DOFA)

- **Contact the Multi-Agency Safeguarding Hub (MASH): 0300 456 0108 and select Option 3 then Option 4**
- **Or email dofaservice@wiltshire.gov.uk**
- **Out of Hours Emergency Duty Service: 0300 456 0100**
(5.00pm to 9.00am weekdays, 4:00pm Friday to 9:00am Monday)



The DOFA will:

1. Consider the relevant facts and concerns regarding the adult and child or children, including any previous history
2. Decide on next course of action - usually straight away, sometimes after further consultation with other multi-agency parties such as the Police and HR.



If the allegation threshold is NOT met, the DOFA will agree an appropriate response e.g. for your setting to undertake further enquiries or an internal investigation.



If the allegation threshold is met a strategy meeting will normally be held. Normally a senior manager/safeguarding lead, the DOFA, HR, Police and social care are invited to attend. Relevant information is shared, risks to children are considered and appropriate action agreed e.g. child protection and other enquiries, disciplinary measures or criminal proceedings. A record of the meeting will be made, and regular reviews will take place until a conclusion is reached.

Procedures for allegations against staff

What should staff do if an allegation is made against them?

Staff should report the matter to the Head teacher Miss Sheena Priestley, Designated Safeguarding Lead, and provide a full written account of the incident. Inform the headteacher if there were any witnesses, either in the classroom or the corridor, who may have seen and/or heard what happened. Staff should also contact either your local National Education Union or other union representative or the Union's advice line for advice. The Chairs of governors, Mrs Auckland and Lt Col Rachel Lamont will be the responsible person if the allegation involves the headteacher.

What sort of investigations could staff be subjected to?

Serious allegations would lead to investigations by Wiltshire LA and the police. Additionally, some cases may require immediate investigation by children's (social) services. Internal investigations may, depending on the conclusions of the Headteacher, recommend a move to disciplinary procedures. If so, NEU and other union members have the right to be accompanied by either a trade union representative or work colleague to any related meetings with management. These unions will always seek to postpone any internal disciplinary until, at the very least, after the police have completed their investigations.

Depending on the seriousness of a case, the outcome of an investigation into an allegation may have to be notified to the Disclosure and Barring Service (DBS) with a view to a decision being made on whether an individual can continue to work with children. For teachers, where they work will dictate to whom they may be reported. In England the Teachers Regulation Agency (TRA) has the power to recommend that the Secretary of State prohibits a teacher from teaching either for set number of years or indefinitely.

Can staff have union representative at meetings?

If an investigatory meeting is held, this will not by itself result in any disciplinary action and there is no statutory right for an employee to be accompanied to such a meeting. However, it is considered good practice to allow an employee to be accompanied and many employers' procedures will allow and indeed encourage representation at this stage. Certainly, National Education Union and other union members are advised to request that they be accompanied by a union representative.

If the investigation results in a disciplinary hearing, employees have a statutory right to be represented

What legal support can staff expect from the National Education Union and other unions?

A police representative will contact the member of staff and ask them to provide a statement. This is standard practice as the police are obliged to investigate allegations of abuse against pupils. If staff are contacted by the police to attend an interview they should ask for the name of the investigating officer, as well as the date, time and location of where they are expected to attend for the interview. The

member of staff should then pass this information to the NEU or other union as a matter of urgency. The NEU or other union provide criminal legal advice and support to individuals who are members of NEU or other union at the time when an allegation is alleged to have occurred, remained in membership and provided it is in relation to their employment and not their private life. It is rare for the police to ask a member of staff to attend an interview at short notice. However, if this happened staff should ask for an alternative date, or ask for the duty solicitor who will advise staff free of charge.

What are the time limits in investigating allegations?

The DfE guidance states that a quick resolution should be the priority with unnecessary delays avoided. That said, in some cases follow-on enquiries may be needed, e.g. with the police and/or social services, before deciding how the case should proceed.

Can a member of staff be suspended?

In some cases, such as where it is considered that there is a risk of harm to a child/young person, a school or college may consider suspending the staff member until the case is resolved. However, the DfE guidance states that staff suspension should not be the default option, an individual should only be suspended if there is no reasonable alternative option.

Can a member of staff keep in touch with colleagues while on suspension?

The DfE guidance states that social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence

What action can be taken against pupils who make malicious allegations?

Our school will consider appropriate action in line with its behaviour policies. This could include temporary or permanent exclusion and even a referral to the police if the school believes a criminal offence may have been committed.

What support can a member of staff expect from the school or college?

Employers have a duty of care to their employees. Accordingly, they should provide effective support for anyone facing an allegation, including a named contact to keep them informed of progress with the case. Where it is decided the individual, who has been suspended can return to work – either because the allegation has been proved unfounded or after a disciplinary hearing – our school should consider how best to facilitate this. This could include a phased return to work and/or provision of a mentor to provide assistance and support in the short term. There must also be consideration as to how to manage the individual's contact with the pupil who has made the allegation, if they are still attending our school.

Will the allegation be recorded on a member of staff's file?

The DfE guidance states that allegations found to be false or malicious should be removed from personnel records.