

**BRYMORE ACADEMY**

**MANAGING ALLEGATIONS AGAINST STAFF POLICY**

|  |
| --- |
| **Created by:** Mark Thomas |
| **Date:** August 2013 |
| **Approved by Local Advisory Board:** |
| **Review date:** Autumn 2014 |
| **Signature of Chair of Governors** | **Signature of Headteacher** |

**Brymore Academy actively promotes equal opportunities for all learners whatever their age, gender, ethnicity, disability, attainment and background. We will pay particular attention to the provision for and achievement of all in our academy policies and action plans.**

**Introduction**

In accordance with LA guidance, this policy has been prepared to deal with situations when it is alleged a member of Brymore Academy staff has:

* behaved in a way that has harmed a child, 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 s/he is unsuitable to work with children.

The Headteacher will take the lead role in all cases other than those where the allegations concern him, in which case the Chair of Governors will take the lead role.

This policy is based on the updated statutory guidance issued by the Government in July 2011, entitled *Dealing with Allegations of Abuse against Teachers and other Staff (on line at* [*http://www.education.gov.uk/publications*](http://www.education.gov.uk/publications) *reference: DfE-00061-201.*

The key procedural points are as follows:

**Immediate action on receiving an allegation**

* Any allegation should be reported immediately to the Headteacher. The only exception to this is if the allegation concerns the Headteacher, in which case the allegation should be reported to the Chair of Governors.
* The person who receives information regarding the allegation **will not question** the child or investigate the matter any further. They will:
* treat the matter seriously, avoid asking leading questions, communicate with the child in a manner appropriate to the child’s understanding and communication style
* Make a written record of the information, where possible in the child’s own words stating when the alleged incident took place, who was present and what was said to have happened.
* The record must be signed and dated by the person recording the information
* The person receiving the information will report the matter immediately to the academy’s Headeacher or, where the allegation involves him, to the Chair of Governors.

The person to whom the matter is reported will become the ***Senior Designated Manager*, (**this will be the Headteacher for allegations made against staff and the Chair of Governors if the allegation is made against the Headteacher)until the allegation is resolved. The Senior Designated Manager will inform the Governor designated for Child protection.

**Initial action by Senior Designated Manager**

The Senior Designated Manager will **not** investigate the matter by interviewing the accused, the child making the allegation or any of the potential witnesses. They will:

* Obtain written details of the allegation, signed and dated by the **person receiving** the allegation or complaint
* Countersign and date the written details
* Record any other information about times, dates and location of any incident and the names of any potential witnesses

On being advised of an allegation which meets the criteria in the opening paragraph, the Headteacher or Chair of Governors will contact the Local Authority Designated Officer (LADO) within one working day. Referral to the LADO will **not** be delayed in order to gather any further information.

The role of the LADO is to “*provide advice and guidance to academys, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process*.”

Somerset’s LADO is

**Mim Cartwright**

**Tel No: 01823 357870**

The Senior Designated Manager and the academy will cooperate with all relevant authorities involved and will share all relevant information about the person who is the subject of the allegation and the alleged victim to assist in any further investigation.

**Discussion with the LADO and next steps**

Allegations should be discussed with the LADO who will advise on whether:

* the matter should be referred to a strategy discussion as a matter that may need to be dealt with under safeguarding (child protection) or Police procedures, or
* is a matter to be dealt with through academy disciplinary procedures or by an appropriate management response (such as issuing management guidance to the staff member concerned).

This initial discussion will also determine the approach to be taken to informing the parent or carer of the child or children concerned.

An early recommendation will be given either by the LADO or the strategy discussion as to whether and when the member of staff who is the subject of the allegation should be informed of the allegation and whether they should be moved to other work or suspended whilst the allegation is dealt with.

There will be close liaison between the LADO and the CYPD Human Resources Advisory team who will be able to support and advice the academy in dealing with suspension, disciplinary procedures or other appropriate management action.

**Informing accused person/Suspension**

The Headteacher will inform the accused person of the allegation as soon as possible *after prior consultation with the LADO*. The Headteacher will consider carefully whether the circumstances of the case warrant an immediate suspension of the person involved from contact with children, until the allegation is resolved. He will seek guidance from the LADO when considering a suspension. Any suspension will be on full pay, until decided otherwise. In the case of an allegation being made against the Headteacher it will be the Chair of Governors who makes the decision.

**Supporting those involved**

* Parents or carers of any child involved will be told about allegations as soon as possible, after discussion with the LADO as to the most appropriate way this should be done and by whom. In cases where a child has been injured whilst in the academy’s care, the parents will be informed immediately.
* The Headteacher will keep any staff member who is the subject of an allegation informed of the progress of the case and will arrange appropriate support/advise the accused to seek support from their trade union or other relevant professional association.
* Every effort will be made to maintain confidentiality and guard against publicity.
* The academy will keep details of any allegations made and how the allegation was followed up and resolved. These records will be kept until the person reaches normal retirement age, or 10 years if that is longer, including for people who leave our employment. A copy will be given to the person. The purpose of the record will be to enable accurate information to be given in response to any future request for a reference and to provide clarification for future CRB disclosures.

**Outcomes**

* If after initial consideration between the Headteacher and the LADO it is clear that police or social care investigations are not necessary, the academy will be guided by the LADO as to the most appropriate action. The nature and circumstances of the allegation and evidence will determine the next course of action.
* If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within 3 working days.
* If a disciplinary hearing is required and can be held without any further investigation, the hearing will be held within 15 working days. Subsequent procedures, as outlined in the Academy’s Grievance and Disciplinary Procedures, will be followed with appropriate involvement of the Governing Body being guided by this, HR and the LADO.
* If, on conclusion of the case, it is decided that the person can return to work, the Headteacher will consider how best to facilitate the return and provide relevant support to the staff member and consider how to best manage the person’s contact with the child who made the allegation.
* The parents/carers of the child will be kept fully informed of any decisions/action taken by the Headteacher.

**Resignations and ‘Compromise Agreement’**

If an employee resigns or ceases to work for the academy, any allegation must still be followed up in accordance with these procedures. ‘Compromise agreements’ in which a person agrees to resign and the employer agrees not to pursue disciplinary action will **not** be used in these situations.

**Staff references for future employment**

Any staff references will state where an allegation has been made against the employee and will clearly state if the allegation was found to be false or unproven.

**Referral to DfE List 99 or Protection of Children Act**

If an allegation is substantiated and the employee is dismissed or resigns, the Headteacher will discuss with the LADO whether and how a referral should be made to the Protection of Children Act (POCA) List or the DfE list 99.

**Reviewing practice**

* At the conclusion of any case, whether the allegation is substantiated or not, the academy will review its procedures and practice to help prevent similar events in the future.
* The academy will review this policy each year and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the academy.