



Ruthin School

STAFF ALLEGATION POLICY	
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Procedures and Policy When a Member of Staff, Volunteer, Child Protection Officer or Headmaster faces Allegations of Abuse

INTRODUCTION

This policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It will be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) 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 he or she would pose a risk of harm to children.

Our child protection policy outlines what it means to harm a child.

The policy applies to members of staff employed at Ruthin School regardless of whether the alleged abuse took place at Ruthin School. Allegations concerning someone who is no longer at the School will be reported directly to the police.

We have a duty of care to all our employees. Staff at Ruthin School are provided with effective support, should they face an allegation and they are provided with a named contact if they are suspended. Any allegation against a teacher or other member of staff or volunteer will be dealt with very quickly, 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.

Serious allegations would normally be made directly to the Headmaster and DSP; but if another member of staff is told first, he/she will ensure that the Headmaster and DSP is informed immediately.

If the Headmaster is involved the Chairman of Council of Management should be told at once.

INITIAL CONSIDERATIONS

The procedures for dealing with allegations will be applied with common sense and judgement. Many cases will either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, an internal school investigation will be carried out to resolve cases without delay by the DSP.

Allegations that are serious will require immediate intervention by children's social care services and/or police. The Headmaster and DSP should be informed of all serious allegations so that they can consult the police and children's social care services as appropriate.

The following definitions will be used when determining the outcome of allegation 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.
- **Unfounded:** there is no evidence to prove the allegation is found.

Procedure

All concerns of safeguarding poor practice or possible child abuse by staff should be reported immediately to either the Headmaster or DSP.

Staff who are concerned about the conduct of a colleague towards a pupil 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 must report their concerns immediately.

The Case Manager

The DSP will act as the case manager for all allegations of abuse. The only exception to this is either when a person who reports directly to the Headmaster is the subject of the allegation, or when the Headmaster is the subject of the allegation. For staff for whom the Headmaster acts as Line Manager, the Headmaster will be the case manager. In the case where the Headmaster is the subject of the allegation, the Chairman of the Council of Management will act as the case manager and liaise with the Trustee with Special Interest in Safeguarding.

The case manager will, if appropriate, discuss the allegation with the School's Local Authority Education Safeguarding officer Wayne Wheatley, E-mail wayne.wheatley@denbighshire.co.uk. The purpose of an initial discussion is for the designated officer and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager will determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it will be recorded by the case manager and information will be put in writing to the individual concerned. The case manager will then consider what action should follow both in respect of the individual and those who made the initial allegation.

The case manager will inform the accused person about the allegation as soon as possible, providing as much information as possible at that time. However, where the police or children's social care services need to be involved, the case manager will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. The Headmaster and, if appropriate, Chair of Council of Management will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at Ruthin School or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step (see further information on suspension which follows).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the local authority. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Please refer to the Behaviour, Rewards and Sanctions policy and the Interaction with Pupils, Model Code for Staff policy.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the next steps will depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future.

Suspension is considered a neutral act and will be considered:

- Where an allegation has been made which, if proven, would leave to a dismissal or prosecution;
- Where a child could be placed in danger if the member of staff were not removed from duty;
- Where it is necessary to allow full and proper child protection section 47 enquiries and/or criminal investigation and the taking of statements for criminal proceedings.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the case manager may discuss the situation with the designated officer as to how and by whom the investigation will be undertaken. In straightforward cases, the investigation will normally be undertaken by a member of the School's Senior Leadership Team.

Supporting those involved

At Ruthin School, we have a duty of care to our employees. We will always act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to medical advice, by one of the School nurses, should this be deemed necessary.

The case manager will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care will be taken when employees are suspended to ensure that they are 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.

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where the police or children's social care services need to be involved, the case manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be

disclosed, but the parents or carers of the child will be told the outcome in confidence.

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

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

Confidentiality

It is extremely important that when an allegation is made every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Compliance with the Data Protection Act will always be considered.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the National Police Chiefs Council (NPCC) –guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.)

The case manager will take advice from the police and children’s social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

Managing the situation and exit arrangements

Resignations and ‘settlement agreements’

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A report to the DBS and Education Workforce Council will be made, if the relevant criteria are met. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

‘Settlement agreements’ (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a

form of words to be used in any future reference, will not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping

Details of allegations that are found to have been malicious will always be removed from personnel records. However, for all other allegations, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, unfounded or malicious will also not be included in any reference.

Timescales

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- minimise the risk to the child;
- minimise the impact on the child's academic progress;
- ensure a fair and thorough investigation for all parties.

All allegations will be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases will be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated, unfounded or malicious, they will be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the DSP with the Headmaster or Chairman of Council of Management (with the Trustee with Special Interest in Safeguarding) to deal with it. If the nature of the allegation does not require formal disciplinary action, the

Headmaster will institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

The Headmaster and DSP (or where the Headmaster is the subject of an allegation) the Chairman of Council of Management have overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the North Wales Safeguarding Children's Board, email regionalsafeguarding@denbighshire.co.uk, on the subject. The Headmaster or DSP will inform the Local Authority Education Safeguarding Officer of all allegations that come to the School's attention and appear to meet the criteria set out above so they can consult children's social services and the police, as appropriate. The Headmaster or DSP will liaise with the police and other agencies, and monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Suspension

The possible risk of harm to children posed by an accused person will be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension will not be an automatic response when an allegation is reported. It will be considered:

- Where an allegation has been made which, if proven, would leave to a dismissal or prosecution;
- Where a child could be placed in danger if the member of staff were not removed from duty;
- Where it is necessary to allow full and proper child protection section 47 enquiries and/or criminal investigation and the taking of statements for criminal proceedings.

If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns may be reported to the police.

The Headmaster with the DSP (or where the Headmaster is the subject of an allegation the Chairman of Council of Management) will consider carefully whether the circumstances warrant suspension from contact with children at Ruthin School or until the allegation is resolved.

The Headmaster with the DSP (or where the Headmaster is the subject of an allegation the Chairman of Council of Management) will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. Based on assessment of risk, the following alternatives should be considered by the Headmaster before suspending a member of staff:

- redeployment within Ruthin 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 to alternative work in Ruthin School so the individual does not have unsupervised access to children;

- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example, to work at home should this be possible.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Headmaster will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by the case manager. This will also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. No employee will ever be suspended without any support. The person will be informed at the point of their suspension who their named contact is and provided with their contact details.

Children's social care services or the police, although their advice will be given appropriate weight, they will never require the Headmaster to automatically suspend a member of staff (or where the Headmaster is the subject of an allegation the Chairman of Council of Management) or a volunteer. The power to suspend an employee is vested in the Headmaster of Ruthin School (or, in the case of suspending the Headmaster, in the Chairman of Council of Management). However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the police and children's social care services will provide their views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the Headmaster (or where the Headmaster is the subject of an allegation the Chairman of Council of Management) will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process.

Specific actions

Following a criminal investigation or a prosecution

The Headmaster with the DSP (or where the Headmaster is the subject of an allegation the Chairman of Council of Management) will decide whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services will usually inform that decision. The options will depend on the circumstances

of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

On conclusion of a case

If the allegation is substantiated and the person is dismissed or we cease to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Headmaster with the DSP will decide whether or not to make a report to the DBS for consideration of whether inclusion on the barred lists is required;

There is a legal requirement for us to make a report to the DBS when we think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Headmaster with the DSP should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Headmaster and DSP will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at Ruthin School.

In all cases where there are concerns or allegations of abuse, the School will make a serious incident report to the Charity Commission whenever the Commission's guidelines deem it appropriate to do so.

In respect of malicious, unsubstantiated or unfounded allegations

If an allegation is determined to be unsubstantiated, unfounded or malicious, the Headmaster with the DSP will report the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headmaster with the DSP will consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the case manager and Headmaster will review the circumstances of the case to determine whether there are any improvements to be made to the School's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The case manager will consider how future investigations of a similar nature could be carried out without suspending the individual.