**YOUNG FOUNDATIONS**

**POLICY FOR MANAGING ALLEGATIONS AGAINST TEACHING AND NON TEACHING STAFF**

**YOUNG FOUNDATIONS LIMITED– CHILDREN’S HOMES & SCHOOLS**

**PROCEDURES**

**TITLE: POLICY FOR MANAGING ALLEGATIONS AGAINST TEACHING AND NON TEACHING STAFF ISSUE 2 : OCT 18**

**COMPILED BY:POLICY TEAM REVIEW DATE: AUGUST 2021**

**TO USE IN CONJUNCTION WITH ALLEGATIONS FLOWCHART**

Why Procedures are needed:

1. The majority of people who work with children and young people do so from a position of care and concern. However, it is a fact that an extremely small number of people do seek access to children and young people to cause them harm either physical, sexually or emotionally. Research has shown that these professional are extremely skills in identifying vulnerable young people and forming relationships with colleagues, which often ensure that they are not challenged or distrusted, and use the system to their own advantage, Procedures need to ensure young people have as much protection as possible for such adults.
2. Pupils may misinterpret actions of professionals, which, when reported to their parents could lead to complaints.
3. Small proportions of pupils lie about allegations to create difficulties to teaching and non-teaching staff.
4. Under times of stress or provocation some professional react inappropriately to pupils and may behaving in an unacceptable manner.
5. When an allegation has been made concerning any employee they should have the case against them dealt with quickly, professionally and impartially. The document recognises the responsibility and vulnerability of employees.
6. The child’s welfare is paramount (Children’s Act 1989)
7. Research shows that some ‘institutions’ fail to protect their pupils because of over emphasis on the protection of staff and the natural reaction to believe a colleague rather than a pupil (some of whom may have been present difficult behaviours).
8. The system for dealing with allegations within Stepping Stone School ensures that all allegations are dealt with in a clear structured manner using ah procedure that is professional and impartial.
9. The procedures refer to behaviour, which may fall into the category of chid protection or inappropriate behaviour. The procedure also relates to emotional abuse of a chronic nature. Other complaints should be dealt with under the schools complaints procedure.

The Schools Designated Safeguarding Lead is Emma Gillin. Safeguarding is overseen by Tom Ellison (Director of Operations- Young Foundations.) Warwickshire Adrian Over - 01926 742263 (Nurture Hub). As the School registration is held at Mortimer House, Tamworth, the referral system in the first instance is to contact their First Response Hub on **0300 111 8010. We advise if safeguarding issues are notified whilst at Warwickshire Nurture Hub – Warwickshire is also contacted on** Education Safeguarding Service office: 01926 742525

adrianover@warwickshire.gov.uk

Initial contact regarding any possible allegation must be made directly with Emma Gillin/Emma Rheestson/Tom Ellison and Warwickshire/Staffordshire Safeguarding Board.

Please make sure all local authorities are notified WHERE the child is originally from and all interested parties immediately.

**Procedure**

* Summary of Key Issues/Initial Actions to be taken
* Reporting may be done in two ways
	+ Directly with the Head of Education – verbally followed by a YELLOW whistleblowing Form (if a colleague)
	+ Direct YELLOW whistleblowing Form to Head of Education
	+ If this concerns the Head of Education – YELLOW FORM – Direct or verbally to Operations Director Tom Ellison in the first instance.
1. Appropriate criteria should be applied in all cases. However, to safeguard all parties, suspension would be sought in the initial stages
2. Do not leave the pupil alone or with other children until there have been consultations with one the schools safeguarding officers and a course of action agreed, including the appropriateness of the pupil remaining in school.
3. Do not seek to investigate the allegations yourself or interview pupils.
4. You must consult with one of the safeguarding school officer (Director of Operations) as above.
5. Ideally obtain details of the allegation in writing, ideally signed and dated by the persons receiving the allegation, and counter signed and dated by the head teacher or designated person (but not the pupil who is the subject).
6. An investigating officer will be appointed: (In consultation with the Police, Head, Director and Local Authority) if a joint decision is made that a formal investigation is appropriate.
7. Consider the need for disciplinary action in respect of the employee where it is clear that a reportable offence has not been committed, again in consultation with local authority staff.
8. However, any disciplinary action much be kept separated from child protection investigations except when there is agreement otherwise between the Designated Safeguarding lead/Director and those in charge of the investigations.
9. Investigations by the police or assessment team will take priority over an internal investigation by the school.
10. When issues are resolved, the Designated Safeguard lead will write to all relevant parties.

**Role of the Governors**

The trustees to work with WSB/Staffordshire to make decisions.

**Role of the Management Team**

The Manager and staff have a commitment to high standards and a responsibility to voice concerns.

**Role of Staff**

As above

**Role of Parents/Carers**

The parents/carers are encourage to talk to the Trustees about any concerns they have.

**Other Specific Policy Detail**

RESTRAINT – Foundations for Safer Care

Section 550(A) of the Education Act 1996 – The Use of Force to Control or Restrain Pupils – allows teachers, and other person who are authorised by the Director/Head of Education to have control or charge of pupils, to use such force as is reasonable in all the circumstance to present a pupil from doing, or continuing to do any of the following:

* Committing a criminal Offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)
* Injuring themselves or others
* Causing damage to property (including the pupil’s property)
* Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a member of staff or volunteer, is on the school premises and when he or she has lawful control or charge of the pupil concerned elsewhere eg on a trip or other authorised out of school activity. Restrain can only be used when it is full justifiable as being in the best interest of the chid and subject to the S550 (A) criteria set out above. Each staff member will exercise her/her judgement as to whether (a) the statutory criteria are fulfilled at any given time (b) where the child’s best interests lie and (c) whether the combination of these factors justifies restraint.

Restraint should only be used in line with agreed Young Foundations Policy.

Where physical intervention has been used as a method of restraint the policy on restrictive physical intervention and reporting of incidents should be followed.

Records of restraint should be kept in the incident book and recorded on RIVO reporting system. This is open to inspection from named personnel.

Restraint would need to be referred to the Schools Safeguarding Lead Emma Gillin

* When the pupil has marks or bruising which have been sustained through the use of inappropriate physical intervention or where a parent/carer make a complaint.
* If the child makes a complaint of a particularly serious nature (ie. Assault, unjustified or inappropriate use of restraint resulting in physical injury or distress)
* When a member of staff has raised a concern or complete about the use of restrain by another member of staff.

**Allegations/Suspicion of Abuse**

1. Allegations are received in a variety of ways. Usually these are:
* Direct complaint by pupil to another staff member
* Direct complaint of a parent/carer to another staff member/teacher
* Concerns raised by parties who may have been told about or witnessed abuse.
* Direct contact by parent/carer to a local authority
* Anonymous referral
* Direct complaint to the Directors or Police
1. If an employee is informed about a possible allegation they should immediately notify the Head of Education/Safeguard Lead/Director (Emma Gillin & Tom Ellison)
2. Where the allegation is against the Director of Operation, the Managing Director (Niall Kelly) should be informed.
3. Under no circumstances should any member of staff, management or trustee continue their own investigation until the matter has been agreed with the Directors or Police. Attempts to do so could seriously hinder any further investigation and reduces professional impartiality.
4. All allegations should be referred to the School Safeguard Lead. There should be no time delay and care should be taken to maintain confidentiality as in child protection procedures. The school or the unit should not commence an investigation before agreement is reached with the School Safeguard Lead and Director of Operations.
5. If should be stressed that all matters relating to allegations are dealt with under Young Foundations Child Protection Procedures and therefore confidentiality is essential. Information should be shared on a ‘need to know’ basis only. All documentation should be carefully stored.
6. Designated Lead, will discussed their understanding of the situation t the Director including issues such as the context of the allegation and previous concerns about the member of staff or pupil. Following this discussion the level of concern will be determined in consultation with representatives for the police and Director of Operations. This may lead to a strategy meeting being convened involving the Designated Lead, a police officer, Director of Operations and the child’s social worker.

**Possible Actions Following an Allegation**

**No Further Action**

1. Director to communicate this to parents/carer. Where there are concerns that the allegation may be false or malicious consideration needs to be given as to the issues that the pupil maybe facing.
2. Head teacher should:
3. Inform the parent/carer in writing of a decision to take no further action or a view that there has been a false allegation;
4. Inform (verbally and in writing) the relevant employee that an allegation has been made and that no further action will be taken. The employee can have a friend or trade union representative during this discussion;
5. Make appropriate arrangements to offer support to employee;
6. Determine whether the pupil needs further support or whether the allegation could be an indicator of other concerns (e.g. abuse elsewhere);
7. Prepare a report giving reasons for the conclusion that the allegation is without foundation and stating the action taken (as above)
8. Clearly state on the members of staff’s record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary.
9. Consideration given to what action is required to avoid a repeat of the allegation.

**Possible Inappropriate Behaviour**

The schools Safeguarding Team and the Head Teacher and/or the Police will agree that this matter falls into the category or inappropriate behaviour as opposed to chid protection.

The Director will arrange for an investigation to be undertaken by a sei8r member of staff advising that the investigation may become part of disciplinary procedures.

Where the investigation is to be conducted internally for inappropriate behaviour:-

The Investigating Officer will:

* Define the areas to be investigated
* Draw up a provision list of those to be interviewed and the content for discussion. Th9is should include firstly interview the alleged victim and any witnesses, (a random selection of pupils could be interviewed). The alleged perpetrator should be interviewed last;
* Check corroborative evidence;
* Assess the credibility of the person making the allegation. (In doing so consideration should e given to the issues of listening to children and young people and to any power differential).

If at any point the investigator becomes aware that there may be child protection issues emerging the investigation should be halted and referred under the child protection procedures, directly to the Designated Safeguard Lead and Director.

**Further contact detai**ls:

Adrian Over – WARWICKSHIRE MASH – EDUCATION SAFEGUARDING MANAGER – Mobile: 079 6622 4286/01926 742525

Staffordshire First Response Hub – 0800 1313 126

Statements made should be read and signed and dated by the witnesses.

**Staff Interview**

The person subject to the allegation should be informed of:

* His/her rights under the schools disciplinary procedures including right to representation
* The allegation and invited to make a statement
* The right either to respond (or decline to respond) and to be represented prior to giving a response.

Full notes should be taken and the member of staff invited to read and sign them as a true record of the interview (copy to be made available to the member of staff)

Persons identified by the member of staff as having relevant information should be added to the list to be interviewed as part of the investigation.

On conclusion of the investigation a report should be produced (which remains confidential) and recommendations made in relation to future action. Consideration should be given to the need to refer back to child protection procedures/consider suspension/refer the report under disciplinary procedures.

The Director should retain records of the investigation including statements in a secure and confidential system.

On consideration of the report the Designated Officer will write to the parent/carer of the pupil involved and the staff involved informing them of the outcome of the investigation. A copy of both of these letters will be sent to the Director.

In some situations the Designated Officer for allegations will discuss specific course of action which may assist in the prevention of similar situations occurring.

**Where an Investigation is Likely to Follow Child Protection/Criminal Process**

1. Where there are marks/bruising to a pupil, complaints of assault or concerns of a sexual nature then there is a strong possibility that this will be treated as a child protection referral. IN such circumstances swift action is vital.
2. Where the child is injured, medical treatment will need to be considered a priority.

Where it is agreed that Child Protection Procedures need to be followed the Designated Lead will notify the employee that an allegation has been made against them and to advise him/her to contact their professional association.

1. A child protection investigate may need an initial investigation by the police or a joint investigation.
2. Any such investigation takes precedence to any possible disciplinary issues or action that Stepping Stones School may wish to take.
3. The investigation will be undertaken in line with Staffordshire Child Protection procedures, which may include a strategy meeting or strategy discussion including relevant personnel.

Details of the complaint must not be discussed with the school and the Director should ensure that confidentiality is maintained at all times.

The alleged victim/witness/adult etc. should not be interviewed.

It may be necessary to hold a strategy meeting prior to the investigation taking place. Under such circumstances those present would usually be – Designated Safeguard Lead, Director, Social Worker, Police representative, and the Children’s Social Worker.

Suspension – At the time of discussion with the Schools Safeguard Lead and Director view will be sought in relation to the risk to other children from the alleged perpetrator. Suspension will be advised to protect both parties whilst the initial investigation is ongoing.

If the Designated Lead/Director has no concerns then the employee should continue working within the school. Provision would need to be made to avoid contact with the victim where possible. Suspension should not be used unless absolutely necessary.

If the Director has concerns about the welfare of the alleged victim or any other pupil then steps should be taken to suspend the employee in accordance with the appropriate discipline procedure.

The Safeguard Lead will liaise with the Director, the Police and keep the Lead informed of the situation.

On completion of the Child Protection investigation there could be:

1. A review meeting between appropriate staff to share findings.
2. Prosecution of alleged perpetrator and internal disciplinary procedures.
3. Communication to the parents from the Social Worker

The Safeguard Lead and Director will discuss findings of the investigation with them. It is then for the Director, in consultation with the relevant managers, to determine the appropriate course of any further action. ln some circumstances this could lead to disciplinary action.

The Director will then write to the alleged perpetrator, parents and Head teacher informing them of the outcome of the investigation.

**Support for Members of Staff**

Obviously being the subject of an allegation can cause distress to the member of staff.

When a member of staff is suspended the school may choose to also offer a link to the named member of staff. As much as possible staff subject to allegations will be kept informed of the status of any investigation.

Employees should also seek advice from their professional association. The school may also offer counselling to the staff member through People Services.

**Allegation Against the Director**

When the allegation is made about the Director direct contact should be made with the Chief Executive.

1. The Designated lead will follow procedures in relation to having a discussion with the Chief Executive to determine whether thresholds for Child Protection are met.
2. The Designated Lead will inform the Chair of Trustees and the trustee with Safeguarding responsibilities.
3. The Chief Executive will contact the Director to inform them of the allegation.
4. If the allegation fall into the category of inappropriate behaviour the Chair of Trustees can take advice form the Designated Safeguard lead of how best to proceed
5. If the allegation is deemed to e Child Protection the normal procedures apply.
6. The Chair of Trustees will consider the need for suspension in consultation with the Safeguarding Lead. Suspension will only be used if it is considered that the Director poses an ongoing risk to pupils.

**Supply Teachers/Agency Workers**

When a supply teacher is contracted to work in a school the Head teacher will ensure that the supply teacher is made aware of the schools procedure in relation to care and control of pupils, including eh use of physical intervention and child protection procedures.

**The Role of the Governing Body**

Issues relating to allegations are of a confidential nature in accord with Young Foundations Child Protection Procedures. Therefore, information should only be shared on a need to know basis.

For example, it may be appropriate for the Head teacher to share some issues about suspension/impact on the school community wi8th the Chare of the Trustee Body. Trustees who are involved in possible children protection issues should have had an appropriate disclosure check and ideally appropriate training.

Other members of the trustee Body should either become involved in, nor have details linked to the allegations. Any such knowledge would prejudice their possible involved In any future appropriate action which the Governing body may be advised to take In addition the governing body has to be clear that it is not taking any action that would prejudice the position of the individual under investigation.

When the allegation refers to the Director, the Chair of Operations – may be involved, as outlined above in allegations against the Director. When the outcomes of the investigations are known and it is appropriate for the Governing Body to deal with the matter the Chair will then decide the course of action to be taken. This will be within the schools agreed procedures. No other member of the Governing Body should be involved in any proceedings before this stage. In the event of the Chair being unavailable the Vice Chair would be expected to act on behalf of the governing body.

**Contractors (of any Organisation) Working in Environments with Pupil Contact**

When an allegation is received in relation to the above, the employer should notify the Safeguard Lead & Director of their procedures for handling the allegation.

It is expected that those issues which are of a child protection nature should be referred to the Director/Police.

**False Allegations**

Where (following consultation and investigation) the Designated Lead believe that the allegation is without foundation, he/she should;

1. Consider with the Director whether the child might have been abused by someone else
2. Inform the employee at a formal meeting that no further action is to be taken under disciplinary or child protection procedures (the employee may be accompanied by a union representative or friend)
3. Consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take.
4. Inform the parents of the child/children of the allegation and the outcome.
5. Consider appropriate counselling and support of the child/children and parents particularly where false/malicious allegation has been made
6. Prepare a report to be copied to the employee, recording that the allegation is without foundation.

**Records**

The Safeguard Lead must keep documents relating to an investigation and must retain a written record of the outcome. Where disciplinary action has been taken again an employee, a copy should be retained on the personnel Stepping Stones confidential file in accordance in the schools disciplinary procedures. Where a pupil has made an allegation, a copy of the statement or record made of it must be kept on the section of the pupils’ personal file which is not open to disclosure together with a written record of the outcome of the investigation. If there are criminal or civil proceedings, records may be subject to disclosure. Therefore no assurances can be given of confidentiality. Details of outcomes of disciplinary or criminal investigation should be passed to the relevant personnel sections.

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| **Version** | **Author** | **Comments** | **Ratified/Date** |
| 1 | Emma Gillin |  | T Ellison 10/17 |
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| 4 | Emma Gillin |  | T Ellison 8/2020 |