

# Tuition extra



# **Managing Allegations Against Staff**

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**Signed:** Ruth Minhall

**Position:** Executive Head

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# 1. INTRODUCTION

It is essential that any allegation of abuse made against an employee (hereafter referred to as staff or member of staff) or volunteer at Tuition Extra is dealt with fairly, quickly, and consistently, in a way that provides effective protection for students and children and at the same time supports the person who is the subject of the allegation. The procedures outlined in this policy will be followed alongside the School's Complaints Procedure Policy for Students, Complaints Procedure – Parents and Safeguarding Policies.

All organisations should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations should be reported straight away to the Executive Head in cases where the Executive Head is the subject of the allegation or concern.

Tuition Extra follows the Government guidance – 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children', which sets out the framework for managing allegations of abuse against people who work with children. This policy should be read alongside Tuition Extra's Safeguarding Policy.

Key Contacts:

County LADO Service: 03000 41 08 88

Email: [kentchildrenslado@kent.gov.uk](mailto:kentchildrenslado@kent.gov.uk)

Urgent safeguarding: 03000 41 11 11.

Out of hours: 03000 41 91 91

<https://www.kelsi.org.uk/child-protection-and-safeguarding/managing-staff-allegations>

# 2. PURPOSE

This policy will be followed in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The policy covers allegations which are concerning conduct in relation to students at Tuition Extra and also this policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- Behaved in a way that has harmed a student at Tuition Extra or any other child or young person (hereafter referred to collectively as a child or children) or may have harmed a child.
- Possibly committed a criminal offence against or related to a child or
- Behaved towards a child in a way that indicates she or he is unsuitable to work with children. This will include cases of verbal abuse.

There may be up to 3 strands in the consideration of an allegation:



- A Police investigation of a possible criminal offence.
- Enquiries and assessment by Children's Social Services and the LADO about whether a child is in need of protection or other support.
- Consideration by the School of disciplinary action in respect of the individual.

### **3. SUPPORTING THOSE INVOLVED**

Parents or carers of any child or young person involved will be told about the allegation as soon as possible if they are not already aware. They will also be kept informed about the progress of the case and told of any 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.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, the LADO, Children's Social Services, or the Police as appropriate, will be consulted by the Executive Head to consider what support the child or children involved may need.

The Executive Head will also 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. If the subject of the allegation is suspended, the Executive Head will also keep the individual informed about developments at School. If the subject of the allegation is a member of a union or professional association, she or he will be advised to contact that body at the outset.

### **4. CONFIDENTIALITY**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being considered or investigated.

### **5. RESIGNATIONS AND COMPROMISE AGREEMENTS**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being considered or investigated. Every effort will be 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 person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be regarded as substantiated will continue even if the subject of the allegation does not cooperate.

Similarly, so called 'compromise agreements' by which the subject of an allegation agrees to resign, the School agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference. These will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough Police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Disclosure and Barring Service (DBS) if required.

## 6. RECORD KEEPING

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, will be kept on the subject's confidential Personnel file and a copy provided to the subject of the allegation. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the employee has left their post. It will provide clarification in cases where a future DBS disclosure reveals information from the Police about an allegation that did not result in a criminal conviction. In addition, it will help prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained in accordance with the School's Document Retention policy.

## 7. TIMESCALES

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

## 8. INITIAL CONSIDERATIONS

The Executive Head should inform the subject about the allegation as soon as possible. In all instances the LADO will be consulted as to how to proceed. Where a strategy discussion is needed, or Police, LADO or Children's Social Services may need to be involved, the Executive Head will not take these initial steps until those agencies have been consulted and have agreed what information can be disclosed to the subject of the allegation. If the subject is a member of a union or professional association, she or he will be advised to contact that organisation at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the either the LADO, Executive Head with appropriate agencies, such as the Police and Social Services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached, but a Police investigation might be needed, the Executive Head will consult with the Police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (The Police must be consulted about any case in which a criminal offence may have been committed).

If the allegation is about physical contact, the strategy discussion or initial evaluation with the Police will take account of the fact that teachers and other School staff are entitled to use reasonable force to control or restrain students in certain circumstances, including dealing with disruptive behaviour, under S550A of the Education Act 1996. Further guidance on restraint can be found in the Positive Handling Policy.

If the complaint or allegation is such that it is clear that an investigation by Police and/or enquiries by Social Services are not necessary, or the strategy discussion or initial evaluation decides that is the case, the Executive Head will discuss next steps with the Chair of Governors. In those circumstances the options open to the School depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal or a decision not to use the services of the subject of the allegation in the future.

## **9. SUSPENSION**

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the Police or the LADO, or is so serious that it might constitute grounds for dismissal. However, the subject of an allegation will be not suspended automatically, or without careful thought.

The power to suspend is vested in the Executive Head and the Chair of Governors. However, they will canvass Police/LADO/Social Services views as to whether the subject of the allegation needs to be suspended from contact with children, to inform the School's decision regarding the need for suspension.

## **10. ACTION ON CONCLUSION OF A CASE**

If the allegation is substantiated and the subject of the allegation is dismissed or the School ceases to use their services or the person resigns or otherwise ceases to provide his/her services, the Executive Head should discuss with the Chair of Governors whether a referral to The Department for Education for consideration of DBS action or by other professional organisations is required, or advisable.

In cases where it is decided, on the conclusion of the case, that a person who has been suspended can return to work the School will consider how best to manage that. Some help and support to return to work may be required after the experience of suspension and the associated allegation. 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 School will also consider how the subject of the allegation's contact with the child or children who made the allegation can best be managed if they are still attending the School.

## **11. ACTION IN RESPECT OF FALSE ALLEGATIONS**

If an allegation is determined to be false, the Executive Head will refer the matter to Children's Social Services to determine whether the child concerned is in need of support, or other investigations are deemed to be necessary. In the event that an allegation is shown to have been deliberately invented



or malicious, the Executive Head will consider whether any disciplinary action is appropriate against the student who made it, or the Police should be asked to consider whether any action might be appropriate against the person responsible if she or he was not a student.