

<b>Policy Title:</b>	<b>Allegations of Abuse against Staff</b>
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<b>Contact:</b>	<b>Name: Mr D Baron Title: Finance Director Tel No: 01865 744311</b>
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1.5		

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## THE OXFORD ACADEMY

The Oxford Academy is a learning environment at the heart of its community. We promote care and respect and expect high standards in all aspects of Academy life.

We aim to build a community clearly based on a Christian ethos, recognising the integrity and the unique value of each individual and that many people of all faiths and none share and support the beliefs and values of this Christian ethos. We aim to build self-esteem, model conflict resolution and protect the vulnerable. We are committed to fairness, justice and compassion. Mutual respect and trust are central within the Academy.

Our vision for The Oxford Academy is based on the following beliefs:

- Education matters in society: the provision of a well ordered, stimulating learning environment is a common right for all our children
- The Academy should articulate social and moral values and respect for others, irrespective of their class, gender, sexual orientation, race or religion
- The Academy will promote the highest achievement in youngsters, irrespective of their abilities or self-expectations. Competition and collaboration are both equally important to learning. The aspirations of all our students will be nurtured
- The Academy will celebrate students' achievements and challenge fixed notions of ability. We will value and reward young people's verbal, practical, academic, sporting, artistic and leadership skills
- An effective and flourishing Academy should be "public" rather than "private", explaining to parents what is being taught and how the curriculum is being interpreted. It should be open to praise and constructive feedback in a genuine spirit of partnership
- An effective Academy should work closely with neighbouring schools to improve opportunities for children and young people
- The work of the Academy will be underpinned at all times by its ultimate aim – to improve standards, achievement and the life chances of young people. The Oxford Academy is to be, first and foremost, a place of high quality learning and teaching for young people aged 11-19

This policy, and its associated procedures and protocols, is based on these key principles.

# Allegations of Abuse against Staff

## 1. Introduction

The Oxford Academy takes its responsibility of care seriously and fully endorses the principles and practice of Every Child Matters. The Academy recognises that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described within this document and with the DfE guidance set out in Chapter 5 of "Safeguarding Children and Safe Recruitment in Education" (DCSF, January 2007).

## 2. Initial Allegation made to the Academy

- 2.1 Any allegation of abuse by a member of staff against a student must be reported to the Principal or, in his absence, the designated person immediately. The designated person is the Vice Principal (Director of Operations) or, in his absence, a Vice Principal. Should the initial allegation first be made to any other member of staff, then that member of staff must either request the person raising the allegation to report it to the Principal or, if that is not possible, themselves pass details of the allegation to the Principal immediately.
- 2.2 Should the allegation be made against the Principal then this should be brought to the attention of the Chair of the Governing Board immediately. In such cases where the policy refers to the involvement of the Principal then "the Chair of the Governing Board" should be substituted for "the Principal".
- 2.3 Allegations may be received in a variety of ways, including:
  - Direct complaint by a student to another staff member or Principal
  - Direct complaint by a parent/carer to another staff member or teacher
  - Concerns raised by parties who may have been told about or witnessed abuse
  - Direct contact by parent/carer to the local authority
  - Anonymous referral
  - Direct complaint to the assessment team or the police
- 2.4 All matters relating to allegations are dealt with under Oxfordshire's Child Protection Procedures and therefore confidentiality is essential. Information should be shared on a "need to know" basis only and all documentation should be carefully stored.

### **3. Immediate Response to the Allegation**

- 3.1 The student making the allegation should not be left alone or with other students until there have been consultations with the Academy's Safeguarding Officer and a course of action agreed, including the appropriateness of the student remaining in the Academy.
- 3.2 The member of staff receiving the complaint must not seek to investigate the allegation themselves or interview students.
- 3.3 Where possible, details of the allegation should be obtained in writing using the Academy's statement form, signed and dated by the person receiving the allegation and the student or person who is making the allegation. The statement can either be completed by the individual or on their behalf but all statements must be countersigned by the person giving the statement as a true record.
- 3.4 Should the allegation meet any of the following criteria then the Principal will report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received, see section 4 below:
  - That a teacher or member of staff (including a volunteer) in the Academy has:
    - behaved in a way that has harmed a student, or may have harmed a student
    - possibly committed a criminal offence against or related to a student
    - behaved towards a student or students in a way that indicates s/he is unsuitable to work with children
- 3.5 Where the allegation does not meet any of the criteria listed in section 3.4 above and does not involve a criminal offence then the allegation is dealt with under section 5.

### **4. Initial Consideration of Allegation**

- 4.1 Where the allegation meets any of the criteria listed in section 3.4 above then the Principal or the designated person will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The Principal will not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. In these circumstances the Academy will not act before receiving advice from the LADO on the appropriate action that needs to be taken.
- 4.2 If the allegation is not patently false and there is cause to suspect that a student may be suffering or is likely to suffer significant harm, the LADO will make the decision whether or not a strategy meeting will be held, in accordance with Working Together to Safeguard Children. In these circumstances the strategy discussion will be led by the LADO who will also invite representation from the Academy.

4.3 If there is not cause to suspect that “significant harm” is an issue, but a criminal offence might have been committed, the LADO may inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the Academy and any other agencies involved with the student.

## **5. Action Following Initial Consideration**

5.1 Where the initial consideration decides that the allegation does not involve any of the criteria in section 3.4 and does not involve a possible criminal offence, it will be for the Academy to deal with under its internal procedures. In such cases, if the nature of the allegation does not require formal disciplinary action, the Principal will instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.

5.2 Where further investigation is required to inform consideration of disciplinary action the Principal will determine who will undertake this. This person will be the Investigating Officer.

5.3 The Investigating Officer will be a member of the Senior Leadership Team who has had no previous involvement in the case. If no such person is available, the Principal will decide who is the most appropriate person to carry out the investigation.

5.4 Where the investigation is to be conducted internally for inappropriate behaviour the investigating officer will:

- i. define the areas to be investigated
- ii. draw up a provisional list of those to be interviewed and the content for discussion. This will include firstly interviewing the alleged victim and any witnesses. If the incident occurred in a classroom then a random selection of students will be interviewed, if appropriate
- iii. check potentially corroborative evidence
- iv. assess the credibility of the person making the allegation. In doing so, consideration should be given to the issues of listening to young people, treating each allegation seriously and professionally and ensuring that the person does not feel intimidated in making the allegation.

5.5 If, at any point, the Investigating Officer becomes aware that there may be child protection issues emerging the investigation will be halted and referred, under the child protection procedures, directly to the Local Authority Assessment Team and the LADO informed. Contact details can be found at the end of this document.

- 5.6 The Investigating Officer will provide a report to the Principal within 10 working days.
- 5.7 On receipt of the report of the disciplinary investigation, the Principal will decide within two working days whether a disciplinary hearing is needed. If a hearing is needed it will be held within 15 working days. The Principal may decide to further consult the LADO before making his/her decision.
- 5.8 In any case in which Children's Social Care has undertaken enquiries to determine whether the student or students are in need of protection, the Principal will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- 5.9 It is expected that the LADO will continue to liaise with the Academy to monitor progress of the case and provide advice or support when required or requested.

## **6. Possible Action Following Investigation**

### **6.1 No further action**

If it is agreed, following investigation, that no further action is required, the Principal will:

- i. inform the parent/carer of the student, in writing, of the allegation and outcome, ie a decision to take no further action or a view that there has been a false allegation
- ii. where there has been a false allegation, consider with the LADO whether the student might have been abused by someone else
- iii. inform the member of staff, verbally and in writing, that an allegation has been made and that no further action under disciplinary or child protection procedures will be taken. The employee may have a workplace colleague or trade union representative present during this discussion
- iv. consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take. Make arrangements to offer such appropriate support to the employee
- v. consider appropriate counselling and support for the student and parent/carer, particularly where a false or malicious allegation has been made. The need for appropriate disciplinary action against the student, in accordance with the provisions of the Attitudes to Learning Policy, should be considered at this stage. Otherwise, determine whether the student needs further support or whether the allegation could be an indicator of other concerns (eg abuse elsewhere)

- vi. prepare a report, to be copied to the employee, giving reasons for the conclusion that the allegation is without foundation and stating the action taken, as above
- vii. clearly state on the member of staff's record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary
- viii. give consideration to what action is required to avoid a repeat of the allegation, ie is a planned transfer appropriate?
- ix. it should be understood that, where a police investigation has been undertaken, the outcome may be that there is "insufficient evidence to proceed". It is normal for this to be the only recorded statement made by the police where they have not taken any further action against a person against whom allegations have been made.

## **6.2 Possible inappropriate behaviour**

6.2.1 If it is agreed, following investigation by the LADO and the Principal and/or representatives of the Assessment Team or police, that the matter falls into the category of inappropriate behaviour as opposed to child protection, a timescale will be agreed in which the Academy will complete an investigation by its Investigating Officer. An agreement will be made as to who will inform the parent/carer of this course of action. The investigation may become part of disciplinary procedures.

## **6.3 Staff interview by the Investigating Officer**

6.3.1 The person subject to the allegation will be informed of:

- i. his/her rights under the Academy's disciplinary procedures, including the right to representation
- ii. the allegation and invited to make a statement
- iii. the right either to respond to the allegation (or decline to respond) and to be represented prior to giving a response

6.3.2 Full notes will be taken and the member of staff invited to read and sign them as a true record of the interview, a copy of which will be made available to the member of staff.

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

6.3.4 On conclusion of the investigation a report will be produced for the Principal and recommendations made in relation to future action. Consideration should be given to the need to refer back to child protection procedures, consider suspension and/or refer the report under disciplinary procedures.

6.3.5 Where disciplinary action is being considered there will be consultation with the Academy human resources advisers.

6.3.6 The Principal will retain records of the investigation, including statements, in a secure and confidential system.

6.3.7 On consideration of the report the designated officer will write to the parent/carer of the student 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 Principal.

6.3.8 In some situations the designated officer for allegations will discuss specific courses of action which may assist in the prevention of similar situations occurring.

#### 6.4 **Where an investigation is likely to follow child protection or criminal process**

6.4.1 Where there are marks/bruising to a student, 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.

- Where the student is injured, medical treatment will need to be considered as a priority
- Where it is agreed that Child Protection procedures need to be followed the designated person will inform the Principal and ask them to notify the employee that an allegation has been made against them and to advise him/her to contact their professional association
- A Child Protection investigation may need an initial investigation by the police or Assessment Team or a joint investigation
- Any such investigation takes precedence to any possible disciplinary issues or action that the Academy wishes to take
- The investigation will be undertaken in line with Oxfordshire's Child Protection procedures which may include a strategy meeting or strategy discussion including relevant personnel

6.4.2 Details of the complaint must be regarded as strictly confidential and not to be extended beyond those involved in the investigation to date. The Principal is responsible for ensuring that confidentiality is maintained within the Academy at all times.

6.4.3 It may be necessary to hold a strategy meeting prior to the investigation taking place. Under such circumstances those present would usually be the Designated Safeguarding Schools Officer of the Local Authority (LADO), Assessment Team

Manager or Social Worker, police representative, the Academy Human Resources representative and Principal, as appropriate.

## **6.5 Suspension**

- 6.5.1 At the time of discussion with the Local Authority representative, the Principal's view will be sought in relation to the risk to other children from the alleged perpetrator.
- 6.5.2 If the Principal has no concerns then the employee should continue working within the Academy. Provision would need to be made to avoid contact with the victim where possible. Suspension may be used, having due regard to the advice of the Academy human resources advisers.
- 6.5.3 If the Principal has concerns about the welfare of the alleged victim or any other student then steps will be taken to suspend the employee in accordance with the appropriate discipline procedure.
- 6.5.4 If the Local Authority representative or police have concerns about the safety of others but the Principal is not in agreement, they may inform the Chair of the Governing Board of their concerns and request a revision of the decision. In extreme circumstances the Academies division of the Young People's Learning Agency (YPLA) may be asked to intervene.
- 6.5.5 The Local Authority will liaise with the police and keep the Principal informed of the situation.

## **6.6 Actions on completion of the investigation**

- 6.6.1 On completion of the Child Protection investigation there should be a review meeting between appropriate staff in the Local Authority, police, the Principal and the Academy human resources adviser to share findings:
- to consider the possible prosecution of the alleged perpetrator and internal disciplinary procedures
  - to consider communication to the parents
- 6.6.2 The LADO will liaise with the Principal and others involved in the review to discuss the findings of the investigation with them. It is then for the Principal, in consultation with the relevant officers, to determine the appropriate course of any further action. In some circumstances this could lead to disciplinary action. If this is the case the Principal may then liaise with the Academy human resources advisers.
- 6.6.3 The designated person will then write to the alleged perpetrator, parents and Principal informing them of the outcome of the investigation.

- 6.6.4 If the police and/or the Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should, wherever possible, aim to pass all information they have which may be relevant to a disciplinary case to the Principal within three working days of the decision. In those circumstances the Principal and the LADO should proceed as described above.
- 6.6.5 In any case in which Children's Social Care has undertaken enquiries to determine whether the student or students are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the Academy and the Principal should request this information.

## **7. Referral to the Department for Education**

If, on conclusion of the case, the Academy ceases to use the person's services, or the person ceases to provide his or her services, the Academy should consult the Designated Safeguarding Schools Officer as to whether a referral to the Department for Education is required. If a referral is appropriate the report should be made within one month by the Academy.

## **8. Support for the Member of Staff**

- 8.1 Being the subject of an allegation is likely to cause distress to the member of staff. It can also cause distress to the wider Academy community. The Principal must advise the employee where to find external support.
- 8.2 When a member of staff is suspended the Academy will also offer a link to a named member of staff to keep them informed of the status of any investigation.
- 8.3 Employees will also be advised to seek advice from their professional association. The Academy may offer counselling to the staff member through, for example, the Academy's Occupational Health Adviser.

## **9. Allegation against the Principal**

- 9.1 When the allegation is made about the Principal, direct contact should be made with the Chair of the Governing Board and LADO.
- 9.2 The Chair of the Governing Board will appoint an Investigating Officer with the support of with the human resource advisers who will follow procedures in relation to discussion with the LADO to determine whether thresholds for child protection are met.

- 9.3 The LADO or Chair of the Governing Board will contact the Principal to inform them of the allegation.
- 9.4 If the allegation falls into the category of inappropriate behaviour the Chair of the Governing Board may obtain support from the human resource advisers about how best to proceed.
- 9.5 If the allegation is treated as a Child Protection referral the normal procedures will apply, with the Chair of the Governing Board taking the Principal's role in the investigation.
- 9.6 The Chair of the Governing Board will consider the need for suspension with the support of the human resource advisers.

## **10. Supply Teachers**

When a supply teacher is contracted to work in the Academy, the Principal should ensure that the supply teacher is made aware of the Academy's procedure in relation to care and control of students, including the use of physical intervention and child protection procedures.

## **11. The Role of the Governing Board**

- 11.1 Issues relating to allegations are of a confidential nature in accordance with Oxfordshire's Child Protection Procedures and information should only be shared on a "need to know" basis. For example, it will be appropriate for the Principal to share issues about the impact of any allegation on the Academy community confidentially with the Chair or Vice Chair of the Governing Board.
- 11.2 Other members of the Governing Board will receive a relevant factual statement provided by the human resource advisors to the Academy. It is important that other members of the Governing Board should neither become involved in, nor have details linked to, the allegations. Any such knowledge would prejudice their possible involvement in any future appropriate action which the Governing Board may be advised to take. In addition, the Governing Board has to be clear that it is not taking any action that would prejudice the position of the individual under investigation.
- 11.3 When the allegation refers to the Principal, the Chair of the Governing Board will be involved, as outlined above. When the outcomes of the investigations are known and it is appropriate for the Governing Board to deal with the matter, the Chair will then decide the course of action to be taken. This will be within the Academy's agreed procedures.

11.4 No other members of the Governing Board should be involved in any proceedings before this stage in case they are required for a subsequent disciplinary appeal. In the event of the Chair being unavailable the Vice Chair would be expected to act on behalf of the Governing Board.

## **12. Contractors Working in the Academy**

When an allegation is received in relation to a contractor working in the Academy, it is expected that those issues which are of a child protection nature should be referred to the Assessment Team or police.

## **13. Records**

The Academy must keep documents relating to an investigation and must retain a written record of the outcome. A copy must be sent to the LADO. Where a disciplinary hearing has taken place against an employee, a copy should be retained on the Academy's confidential personnel file in accordance with the Academy's Staff Discipline policy and procedures. Where a student has made an allegation, a copy of the statement or record of it must be kept on the section of the student's 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 may be passed to the Academy human resources advisors.

## **14. Monitoring, Evaluation and Review**

The Governing Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

## 15. Contact Details

### **The Academy Safeguarding Officer**

Margaret White  
margaret.white@theoxfordacademy.org.uk  
Tel: 01865 744311

### **The Academy Senior Leadership Safeguarding Representative**

Chris Davies  
chris.davies@theoxfordacademy.org.uk  
Tel: 01865 744311

### **The Academy Governor Safeguarding Representative**

Maureen Thompson  
Tel: 01865 777796

### **The Academy Student Counsellor**

Margaret White  
margaret.white@theoxfordacademy.org.uk  
Tel: 01865 744311

### **The Designated Safeguarding Schools Officers**

Barry Armstrong  
barry.armstrong@oxfordshire.gov.uk  
Tel: 01865 815956

Rebecca Melmoth  
rebecca.melmoth@oxfordshire.gov.uk  
Tel: 01865 815186

Alison Beasley  
alison.beasley@oxfordshire.gov.uk  
Tel: 01865 323457

The Lead Officer for the Schools Safeguarding Team is Barry Armstrong.

Initial contact regarding any possible allegation must be made directly with Barry Armstrong or his nominated deputies as soon as possible. If, at the point of initial contact, the team are unavailable, the Local Authority administration staff will contact one of the team directly where it is clear that the issue relates to a possible allegation.