

ALLEGATIONS OF ABUSE AGAINST STAFF (with Whistle-blowing)

Introduction

Queen Elizabeth's Grammar School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our school is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance as outlined in the DfE document *Keeping Children Safe in Education* (July 2015).

This policy is designed to ensure that all staff, pupils and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible.

Having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Headmaster immediately or to the Chair of Governors where the Headmaster is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the school's **complaints policy** and **child protection policy**.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school has:

- behaved in such a way that may have harmed a child or may have intended to harm a child. Our **child protection policy** outlines what it means to harm a child
- acted outside of the law in relation to dealings with a child
- behaved in any way that suggests they may be unsuitable to work with children.

Timescale

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

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

Procedure

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Headmaster. Complaints about the Headmaster should be reported to the chair of governors who will then contact the local authority designated officer (LADO).

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 LADO will be contacted by the Headmaster and a discussion will take place to decide whether:

- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and police.

Investigation

An investigation into the allegation is normally carried out by children's social services or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will cooperate with investigative agencies.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The person(s) who makes the allegation and their parents/carers

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. There will be a staff member designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.

Social services and the police may be involved and will provide the school with advice on what type of additional support the child may need.

The school's **whistleblowing code**, attached as an annex to this document, enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee

Queen Elizabeth's Grammar School has a duty of care to its employees and will do everything to minimise the stress of any allegation and the disciplinary process.

The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Headmaster has spoken to the Chair of

Governors. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The Chair of Governors will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and the school will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

Confidentiality

The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of a teacher who is the subject of an allegation.

Suspensions

The school will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

The school holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

Resignations

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

Compromise agreements will not be used in situations which are relevant to these procedures.

Record keeping

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

Action on conclusion of the case

If it is decided that the employee may return to school after a suspension then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another

member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

Action in the case of false or malicious allegations

Where an allegation is proved to be false, the Headmaster and Chair of Governors may refer to social services to determine whether the child is in need of support or has been abused by someone else.

The school's **behaviour policy** sets out the disciplinary action that may be taken against pupils who are found to have made malicious accusations against school staff. The Headmaster may consult the school governors when considering what action to take.

If the claim has been made by a person who is not a pupil, the school will pass the information to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

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ANNEX A

WHISTLE BLOWING POLICY

1.0 Purpose

The purpose of this policy is:-

- to provide employees with a method of raising concerns.
- to encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about work practices.
- to ensure employees receive a response to their concerns and they are aware how to pursue them if they are not satisfied.
- to reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

2.0 Scope

- 2.1 This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised, volunteers, governors and contractors working for the School.
- 2.2 It also covers suppliers and those providing services under a contract with the School on its premises.
- 2.3 The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:-

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of school funds
- fraud or corruption
- practice which falls below established standards or practice

- action which is contrary to the code of conduct for employees, sexual or physical abuse of pupils or others
- other unethical conduct
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3.0 Procedure

- 3.1 The School is committed to tackling malpractice and should employees know that any matter regarding malpractice and other illegal acts will be dealt with seriously.
- 3.2 A work colleague or trade union representative may accompany an employee involved in this procedure.
- 3.3 If a matter results in any disciplinary action, the School's Disciplinary Procedure will apply.
- 3.4 The policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 3.5 Employees are often the first to see or suspect something that may be seriously wrong within the School. However they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the management of the School. They may also fear harassment or victimisation.
- 3.6 The School is committed to the highest standards of openness, honesty and accountability. In line with this commitment it is encouraged that employees and others who the School deal with who have serious concerns about any aspect of the School's operations come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

4.0 Concerns

- 4.1 Confidentially
 - 4.1.1 All concerns will be treated in confidence and every effort will be made not to reveal employees' identities if that be their wish. However, this cannot be guaranteed.
- 4.2 How to raise a concern
 - 4.2.1 When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice.
 - is it illegal?
 - does it contravene professional codes of practice?

- is it about one individual's behaviour or is it about general working practices?
 - does it contradict what the employee has been taught?
 - has the employee witnessed an accident? If so he or she should write it down.
- 4.2.2 Who an employee should raise concerns with depends on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice.
- 4.2.3 As a first step an employee should normally raise concerns with their immediate manager/supervisor, one of the Deputies, the Headmaster or the Bursar. However if their concern is about their manager they should contact the Deputy Head (Pastoral) or the Bursar.
- 4.2.4 If an employee's concern is about the Headmaster, he or she should contact the Chairman of Governors or one of the Vice Chairmen.
- 4.2.5 Once an employee is certain that bad practice exists, the following action should be considered:-
- concerns should be raised in writing, giving the background and history of the concern and the reason why the employee is particularly concerned about the situation. The earlier the concern is expressed the easier it is to take action.
 - if the employee so wishes, he or she may ask for a private, confidential meeting with the appropriate manager.
 - the employee should provide, if possible, dated and signed written supporting statements from those who can confirm the allegation.
 - the employee should ask that he or she be informed of the outcome of the investigation.
- 4.2.6 Whilst employees are not expected to prove beyond reasonable doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.
- 4.2.7 All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns. However, this does

not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the School's Disciplinary Procedure.

4.2.8 Employees also have the right to raise matters of concern under the School's Grievance Procedure.

4.2.9 This policy encourages employees to put their name to any allegation. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Headmaster.

4.2.10 In exercising this discretion the Headmaster will take account of:-

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

5.0 School's Response

5.1 The individual manager/supervisor hearing the concern is encouraged to take advice from a Deputy Head or the Bursar.

5.2 Where appropriate the matters raised may

- be investigated by management
- be referred to the Police
- form the subject of an internal inquiry

5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it will take. Concerns or allegations which fall within the scope of specific procedure (for example child protection or discrimination issues) will normally be referred for consideration under these policies and procedures.

5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

5.5 In all cases where an employee raises a concern, one of the deputies, the Headmaster or the Bursar must be notified by the appropriate manager.

5.6 Within ten working days of a concern being raised the manager hearing the concern will write to the employee and:-

- acknowledge the concern has been received

- indicate how the matter is to be dealt with and by whom
- where possible give an estimate of how long it will take to provide a response
- inform the employee whether any initial enquiries have been made
- check whether he or she needs any personal support
- inform the employee whether further investigations will take place and if not why not.

5.7 The School accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, the School should inform the employee of the outcome of any investigation and the action taken to ensure a similar concern is not raised in the future.

5.8 If the employee is not satisfied with the outcome, he or she may refer the matter to the Headmaster or Chairman of Governors if they have not already been involved. Within ten working days the Headmaster or Chairman of Governors (as appropriate) will write to acknowledge receipt of the concern and indicate what steps will be taken. The Chairman of Governors may decide to set up a small group of Governors to investigate. The Chairman of Governors will then inform the employee of the outcome.

5.9 Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps of this procedure, may be liable to disciplinary action.

6.0 False Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him or her. If, however, he or she makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the employee under the School's Disciplinary Procedure.

7.0 Responsible Office

The Headmaster has overall responsibility for the maintenance and operation of the Whistle Blowing Policy. The School will maintain a record of concerns raised and actions taken but in a form which does not endanger confidentiality.