



AYLESBURY  
GRAMMAR SCHOOL  
*Founded 1598*

# ALLEGATIONS OF ABUSE AGAINST STAFF PROCEDURE

This policy is updated and approved by the Governing Body every three years  
This version was approved December 2021  
The next update will be due by December 2024

SIGNED: \_\_\_\_\_

Richard Williams (Chair of Governors)

# ALLEGATIONS OF ABUSE AGAINST STAFF PROCEDURE

## 1. Introduction

- 1.1. Aylesbury Grammar School is committed to providing the highest level of care for both its students 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.
- 1.2. Our procedure is in line with statutory guidance from the Department of Education, in particular Keeping Children Safe in Education, September 2020. This policy is designed to ensure that all staff, students and parents, guardians or carers are aware of the procedure for the investigation of allegations of abuse in order that all concerns are dealt with consistently, and as efficiently as possible.
- 1.3. We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations against staff should be reported to the Headmaster immediately or to the Chair of Governors where the Headmaster is the subject of concern. All allegations will be taken seriously and investigated immediately in accordance with the School's child protection policy.

## 2. Purpose

- 2.1. 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, a teacher 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.

## 3. Timescale

- 3.1. 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
  - Support the staff member.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

## **4. Procedure**

- 4.1. Reporting an allegation - All concerns of poor practice or possible child abuse by staff should be reported immediately to the Headmaster. This can be done verbally, in writing or through any appropriate channel. Complaints about the Headmaster should be reported to the Chair of Governors who will then contact the Local Authority Designated Officer (LADO).
- 4.2. Staff who are concerned about the conduct of a colleague towards a student 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.
- 4.3. 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 / Designated Safeguarding Lead / Chair of Governors and a discussion will take place to decide whether any further action is required. If further action is required, this may include involving outside agencies such as the Police or Social Care
- 4.4. The school's Whistleblowing Policy enables staff to raise concerns relating to suspected wrongdoing or dangers at work and provides for a sensitive process to follow in these cases.

## **5. Investigation**

- 5.1. An investigation into the allegations will take place. Where the school is not conducting the initial investigation it will cooperate with the relevant investigative agencies. Internal investigations are usually second to any external safeguarding investigation and may need to be delayed until the external investigation is complete.

## **6. Supporting those involved**

- 6.1. 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.

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.

The deliberations of any disciplinary panel and information used for making a decision are usually confidential, but parents will be told the outcome in confidence. Social services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

- 6.2. The employee:

Aylesbury Grammar School has a duty of care to its employees and will do everything to minimise the stress of any allegations and any disciplinary process. The person who is the subject of the investigation will be informed of the concerns or allegations as soon as possible, and given an explanation of the likely course of action, unless there is an objection to this by children's Social Care services or the Police.

A named representative will be appointed to keep the employee who is the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body. The employee may need additional support and the school should consider what might be appropriate to best accommodate this, to include whether a colleague can provide pastoral support, welfare counselling or wider medical advice from the employees GP.

If it is a criminal investigation and the police are involved, the police may also provide this additional support. 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 someone who is the subject of an allegation before they are charged or summonsed.

## **7. Suspension**

- 7.1. The school will not suspend a member of staff without serious consideration, and will not do so as an automatically reaction to an allegation. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.
- 7.2. A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case is so serious that it might be grounds for dismissal. The Headmaster and Chair of Governors hold the power to suspend an employee.
- 7.3. Where it is considered appropriate to suspend the staff member, written confirmation of this will be sent to the employee within one working day, giving as much detail as is appropriate for the reasons for the suspension.

## **8. Termination of employment and resignation**

- 8.1. If the School ceases to use the services of a member of staff because they are unsuitable to work with children, a settlement agreement (formerly known as a compromise agreement) will not be used and a referral to the Disclosure and Barring Service will be made promptly if the criteria for a referral are met. Any such incidents will be followed by a review of the safeguarding procedures within the School, with a report being presented to the Governors without delay. The School may also need to consider a referral to the Disclosure and Barring Service if a member of Staff is suspended, or deployed to another area of work that is not regulated activity.
- 8.2. If a member of staff tenders his or her resignation, or ceases to provide his or her services to the School at a time when child protection concerns exist in relation to that person, those concerns will still be investigated in full by the School and a referral to the Disclosure and Barring Service will be made promptly if the criteria for a referral are met.
- 8.3. Separate consideration will also be given to making a referral to the Teaching Regulation Agency (TRA) where a teacher has been dismissed (or would have been dismissed had he or she not resigned) because of unacceptable professional conduct, conduct that may bring the profession into disrepute, or a conviction at any time for a relevant offence. An interim referral to the TRA may also be considered and made if appropriate.
- 8.4. Settlement agreements, by which a person agrees to resign if the School agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before a person's notice period expires. Such an agreement will not prevent a thorough Police investigation where that is appropriate.

## **9. Record keeping**

- 9.1. Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that 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.
- 9.2. 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.

- 9.3. The School has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. All other records should 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.

## **10. Action on conclusion of the case other than dismissal / resignation**

- 10.1. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager 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 case manager should 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 or student at the school.

## **11. Action in the case of false allegations**

- 11.1. If an allegation is determined to be unsubstantiated or malicious, the designated officer should refer the matter to the children's social care services to determine whether the child concerned is in need of their services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the student 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 were not a student.

## **12. After the case**

- 12.1. At the conclusion of a case in which an allegation is substantiated, the designated officers should review the circumstances of the case with the case manager 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 should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.
- 12.2. Lessons should also be learnt from the use of suspension when the staff member is subsequently reinstated. The designated officers and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.