



Warlingham Park School

Allegations against Staff Policy

This policy applies to the whole school, including the EYFS

September 2021

1 Introduction

All staff should take care not to place themselves in a vulnerable position with a child. It is always advisable for interviews or work with individual staff or parents to be conducted in view of other adults. All staff should be aware of the school's behaviour policies.

This policy has been developed in accordance with the principles established by the KCSIE, September 2021; and in line with government publications and guidance:

- Working Together to Safeguard Children, July 2019
- What to do if You are Worried a Child is Being Abused, March 2015, *DfE*
- Early Years Foundation Stage Framework, 2021
- SEND Code of Practice 0.25, 2014 (updated April 2020)
- The UK Equality Act, 2010 (updated June 2015)
- Dealing with allegations of abuse against teachers and other staff, October 2012
- Disclosure and Barring Service (DBS)
- National College for Teaching and Learning (NCTL)

2 Allegations against staff

All school staff, including temporary or supply staff and volunteers, must ensure that no situation could arise involving any of them which could reasonably be construed as acting against the safety of each child. All adults working with children and young people in educational settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people, and all members of staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Wherever possible, staff should avoid behaviour which may be misrepresented by others, and report and record any incident with this potential. Please refer to the guidance in the Staff Code of Conduct.

If you are at all concerned about anything which has occurred or which has made you uncomfortable, you are strongly encouraged to discuss the matter with a member of SMT at

the earliest opportunity even if it turns out that nothing untoward has happened. Discussions are to be recorded in writing with details of any communications with the individual and parents of the child concerned.

Where an allegation of abuse is made against a teacher, other member of staff or volunteer, the school is committed to dealing with the allegation fairly, quickly and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. If a pupil does make an allegation about a member of staff, the member of staff receiving the allegation will immediately inform the Designated Safeguard Lead (DSL), currently the Headteacher. The LADO will be contacted immediately and asked to consider and agree an appropriate course of action. The DSL will keep written records of all conversations

Where a concern is deemed to be of a 'low level' this should still be reported and recorded. Records will be reviewed so that patterns of concerning behaviour can be recognised and action taken.

Low level concerns may include:

- Being over friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child one to one in a secluded area or behind a closed door
- Using inappropriate language

If there has been a substantiated allegation against a member of staff, the school will work to determine whether there are any improvements to be made to the school procedure or practice to help prevent similar events in the future.

All reports made should record as much evidence about the circumstances of the case as possible. The school understands that failure to make a report constitutes an offence. The school will not use 'compromise agreements' to prevent a referral being made to the DBS when it is legally required nor can an individual refusal to cooperate with an investigation.

The School understands that it has a legal duty to respond to requests from the DBS for information they hold already, and that they do not have to find it from other sources.

If the allegation concerns the Headteacher, or a member of the governing body, then the DSL will immediately inform the Proprietor without notifying the Headteacher first.

Suspension of the member of staff, excluding the Headteacher, against whom an allegation has been made needs careful consideration, and the Headteacher will seek the advice of the Governors. The nature and duration of any such suspension is to be determined by the Governors.

In the event of an allegation against the Headteacher, the Proprietor will inform the LADO first without speaking to any other staff. (Guidelines are available in Keeping Children Safe in Education September 2021.)

Should any member of staff or person (whether employed contracted, a volunteer or student) be considered unsuitable to work with children and their services are no longer used, the Independent Safeguarding Authority will be notified within one month of the termination of

their employment. Warlingham Park School must be mindful that there are restrictions on the reporting and publishing of allegations against teachers and so we will make every effort to maintain confidentiality. We will guard against unwanted publicity. These restrictions apply up to the point when the accused person is charged with an offence, or the DFE/NCTL publishes information about an investigation or decision in a disciplinary case.

Cessation of work agreement includes dismissal, non-renewal of a fixed term contract; no longer engaging/refusing to engage a supply teacher provided by an employment agency, terminating the placement of a student teacher or other trainee, no longer using staff employed by contractors, no longer using volunteers, resignation and voluntary withdrawal from supply teaching, contract working, a course of initial teacher training, or volunteering.

We are committed to promptly report to the DBS any person (whether employed, contracted, a volunteer or student) whose services are no longer used for regulated activity and the DBS referral criteria are met, i.e. if they have caused harm or posed a risk of harm to a child or their behaviour is such that they may not be suitable to work with children. We will consider whether a referral to the TRA is required where a teacher has been dismissed or would have been dismissed if they had not resigned. They will decide whether a prohibition order is necessary in the cases of serious professional misconduct, bringing the profession into disrepute or a conviction for a relevant offence.

We recognise that compromise agreements may not apply to members of staff who leave the school under suspicion of being unsuitable to work with children.

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

All processes are to be aligned with those of the Surrey Children's Services. Any unnecessary delays should be eradicated, and the school will not undertake its own investigations (which might jeopardise possible statutory investigations) without prior consultation with the LADO or, in serious cases, the police.

Where an allegation has been found to be false, this will be removed from the staff member's record. The staff will be offered appropriate support and the nature of and reasons for the false allegation will be investigated.

3 Disqualification by association

Under 2018 regulations, Regulation 9 regarding disqualification by association only applies to childcare providers working in a domestic setting and no longer applies to staff working in a relevant school setting.

4 Whistleblowing

We recognise that children cannot be expected to raise concerns in an environment where members of staff fail to do so. Full details of procedures can be found in our Whistleblowing Policy.

All staff should be aware of their duty to raise concerns, where they exist, about the management of child protection, which may include the attitude or actions of colleagues. If it becomes necessary to consult outside of the school, they should speak in the first instance to the LADO.

The School will aim to provide immunity from retribution and no disciplinary action will be taken against staff for 'whistleblowing' in good faith.

5. Confidentiality

If a concern is raised anonymously it is very difficult to investigate. The Headteacher will respect and protect a person's identity when a concern is raised. However in certain circumstances identities will have to be revealed to the person complained against and the complainant may be asked to provide written evidence in support of the complaint. If a person's identity is to be disclosed, they will be informed before the disclosure and given reasons why this was necessary.

Every effort will be made to maintain the confidentiality of any member of staff against whom a complaint while the investigation is ongoing.

6. Monitoring and review

It is the responsibility of the Headteacher and Deputy Head to monitor and evaluate the effectiveness of this policy.

This policy will be formally reviewed every two years, however it will be amended earlier if legislation or school procedures change prior to that time.

Revised: September 2021

Version control

Date of adoption of this policy	September 2018
Date of last review of this policy	September 2021
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Policy owner (SMT)	Sarah Buist
Policy owner (Proprietor)	ILG