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| **ST ANDREW’S COLLEGE POLICY DOCUMENT** | |
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| Authorised by: Wayne Marshall  Date: 01/07/2020 | Wayne SignatureSignature |

This policy should be read in conjunction with:

Safeguarding Policy

Whistleblowing Policy

Staff Behaviour Policy

Behaviour and Sanctions Policy

And the statutory documents:

Keeping Children Safe in Education (2019)

Working Together to Safeguard Children (2018)

**Introduction**

St Andrew’s College Cambridge 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 college 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 from the Department of Education.

This policy is designed to ensure that all staff, students 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 as efficiently as possible.

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 will be reported to the Principal immediately or to the Proprietor where the Principal is the subject of concern. 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 college’s **complaints policy, whistleblowing policy** and **safeguarding policy** (these policies can be found on the college website; [www.standrewscambridge.co.uk](http://www.standrewscambridge.co.uk)).

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 college has:

* behaved in such a way that may have harmed a child or may have intended to harm a child. Our **safeguarding 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

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.

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

**Procedure**

**Reporting an allegation**

***Staff receiving a concern or allegation***

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.

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Principal. Concerns about the Principal should be reported to the Proprietor.

***The Principal or Proprietor***

The Principal/Proprietor should not investigate the matter or interview the member of staff who works with children, child concerned or potential witnesses.

They should:

* Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
* Approve and date the written details;
* Record any information about times, dates and location of incident/s and names of any potential witnesses.

Record discussions about the child and/or member of person who works with children, any decisions made, and the reasons for those decisions.

The Principal or Director should then contact the Named Senior Officer (NSO) for Education to discuss the allegation. This must occur within one working day and referrals should not be delayed in order to gather information.

If an allegation requires immediate attention, but is received outside normal office hours, the Principal or Proprietor should consult the Children’s social care emergency duty team or local police and inform the NSO as soon as possible.

***The Named Senior Officer for Education and Local Authority Designated Officer***

On receiving the report from the college, the NSO will consult with the Local Authority Designated Officer (LADO).

The LADO will conduct a discussion with the Principal or Proprietor to decide whether:

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

The college will share all available information with the LADO about the allegation, the child, and the person against whom the allegation has been made. The LADO will consider the information and decide whether the allegation meets the threshold for LADO involvement. If the threshold is met, the LADO will convene an Allegations Management Meeting (AMM) and will refer to the police.

Contact details can be found in Appendix A and a table of procedures can be found in Appendix B of this policy.

**Investigation**

An investigation into the allegations is normally carried out by children’s social services or by the college. This will be agreed at the initial evaluation stage with the NSO and LADO. Where the college 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 or carers of the child or children involved should be told about the allegation as soon as possible. However, where an AMM is required, or police or children’s social care services need to be involved, parents/carers should not be informed until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. A member of college staff will be appointed to keep parents or carers informed about the progress of the case, and to advise the 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 but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing.

The child will be offered support by school staff throughout. This may involve, but is not limited to, counselling or signposting to external services.

Social services and the police may be involved, depending on the severity of the case, and will provide the college with advice on what type of additional support the child may need.

The college’s **whistleblowing policy** (This can be found on the college website [www.standrewscambridge.co.uk](http://www.standrewscambridge.co.uk)) enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

***The employee***

St. Andrew’s College Cambridgehas a duty of care to its employees and will do everything to minimise the stress of any allegations or disciplinary processes.

The person who is the subject of the investigation will be informed that an allegation has been made, but only after the college has spoken to the NSO. 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.

A named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues, whether or not the employee is suspended. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the college should 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.

If the person in question is a member of boarding staff, alternative accommodation may be found for them away from children whilst the investigation is carried out.

**Confidentiality**

The college will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The college should take advice from the NSO, LADO, police and children’s social care services to agree the following:

* who needs to know and, importantly, exactly what information can be shared;
* how to manage speculation, leaks and gossip;
* what, if any, information can be reasonably given to the wider community to reduce speculation; and
* how to manage press interest if, and when, it should arise.

**Suspensions**

The college 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 but is removed from the pupil making the allegation.

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 warrants a criminal investigation. The Principal holds the power to suspend an employee but will be advised by the police and or social care whether a suspension is necessary.

Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

**Resignations**

If an employee hands in their resignation 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 person’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**

Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the college to:

* provide all the neccessary information for future employment references. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
* prevent unnecessary re-investigation in the future if an allegation re-surfaces.

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.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

The records will be kept by thePrincipal.

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 the allegation is substantiated and the person is dismissed or the employer ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the college will decide whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

**There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the college 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. Consideration should be given to 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 or college.

**Action in the case of false allegations**

Where an allegation is proven to be false, the Principal and Directors may refer to social services to determine whether the child needs special care, or to help to understand if they are being abused elsewhere.

If an allegation is found to be intentionally fictitious and malicious, the Principal will decide what the proper sanction will be for the pupil who made the false allegation. The college’s **behaviour and sanctions policy** sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against college staff**.**

The Principal may wish to include the Directors when considering what action to take. The college has the power to suspend or expel pupils who make false claims or refer the case to the police if the college thinks a criminal offence has been committed.

If the claim has been made by a person who is not a pupil, the college will hand the information over 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 college will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

**Reviewed: July 2015, July 2016, August 2017, July 2018, August 2019, July 2020.**

**Next review: July 2021.**

**Appendix A**

**Useful Contacts**

**St Andrew’s College**

**Proprietor:** Mervyn Martin

m[ervyn.martin@selectenglish.co.uk](mailto:Mervyn.martin@selectenglish.co.uk)

07860 657311

**Principal:** Wayne Marshall

[wayne.marshall@standrewscambridge.co.uk](mailto:wayne.marshall@standrewscambridge.co.uk)

01223 323718

07986 167401

**Local Authority**

Cambridgeshire and Peterborough Safeguarding Children Partnership Board – Safeguarding Inter-Agency Procedures <http://www.safeguardingcambspeterborough.org.uk/children-board/>

**Education Safeguarding Team** [ECPSGeneral@cambridgeshire.gov.uk](mailto:ECPSGeneral@cambridgeshire.gov.uk)

**Police Child Abuse Investigation Unit**  Tel: 101

**Local Authority Designated Officer (LADO)**

[LADO@cambridgeshire.gov.uk](mailto:LADO@cambridgeshire.gov.uk) Tel: 01223 727967

Jackie Ward

Lynn Chesterton

**Named Senior Officer for allegations**

Education Adviser - Chris Meddle Tel: 01223 703564

Education Adviser – Diane Stygal Tel: 01223 507115

**Customer Service Centre – social care referrals**  Tel: 0345 045 5203

**Emergency Duty Team (out of hours)**  Tel: 01733 234724

**Appendix B**

**Managing an Allegation Against a Member of Staff, Volunteer or Homestay Host in Your Establishment**

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| **ALLEGATION IS MADE** | |
| *All staff must know how to recognise an allegation and who to report to.* | *Might arise as a complaint, grievance, suspicion, concern, during discussions from child, parent, member of staff or member of the public.* |
| **REPORT TO:**  **PRINCIPAL** | |
| *If an allegation concerns the Principal, you must report to the Proprietor.* | *Principal/Proprietor must:*  *· Not tell anyone, particularly the staff involved*  *· Take advice from the Named Senior Officer (NSO) for Education before taking action*  *· Make initial enquiries only*  *· Not investigate or interview*  *· Usual principles of confidentiality apply*  *· Deal objectively with everything*  *· Existing loyalties must be put to one side*  *· Think the unthinkable, believe the unbelievable* |
| **PRINCIPAL OR PROPRIETOR DISCUSSES WITH:**  **NAMED SENIOR OFFICER (NSO) FOR EDUCATION** | |
| *Keep detailed records of actions and statements at all stages* | |
| **NSO FOR EDUCATION DISCUSSES WITH:**  **LOCAL AUTHORITY DESIGNATED OFFICER (LADO)**  **THEY WILL EITHER:** | |
| **Refer back to school**  *Record and date assessments of known facts.*  *Consider support for employee and staff and any disciplinary action.* | **Allegation Management Meeting (AMM)**  *The next course of action and timescales are agreed at this point.*  *School should consider also:*  *· information for the adult, witnesses, child/young person and parents/carers*  *· on-going support for the member of staff, pupil and parents/carers*  *· statements, if needed, for the whole staff, community and press* |