

SOUTH BANK UNIVERSITY ACADEMY

Allegations of Abuse against Staff Policy

Introduction

This document provides the steps to take where there is an allegation of physical or sexual abuse against a South Bank University Academy (SBUA) employee in relation to an Academy student. In this procedure, the term “parents and carers” means all those having parental responsibility for a student.

Aim

The Academy recognises that any allegation is serious and needs to be dealt with in a sensitive, efficient manner. It is also important that those with responsibilities described in this procedure act without delay. All parties involved are likely to be distressed. Any disruption to the normal running of the Academy should be minimised.

Receiving an Allegation

All allegations of physical or sexual abuse made against an Academy employee in relation to a student must be reported to the Designated Safeguarding Lead (DSL) or a member of safeguarding trained staff who will act as the Safeguarding Officer.

The Safeguarding Officer must make a written record (timed and dated) of what has been reported. If possible, the allegation should be written by the student or the person to whom the allegation was first made.

Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.

The Safeguarding Officer must not discuss the allegation with the accused person prior to reporting the matter to the Principal.

In the event of the allegation being made against the Principal, the Safeguarding Officer is responsible for reporting the allegation to the executive principal, who will undertake the role assigned to the Principal throughout this procedure.

Employees receiving an allegation against the Safeguarding Officer should refer the matter directly to the Principal.

Principal's initial consideration of an allegation

The Principal, in consultation with the Safeguarding Officer, should decide whether any enquiries are necessary in order to decide whether or not to refer the matter to Social Services or the Police. The Principal and the Safeguarding Officer should consider what information needs to be gathered and how it is to be obtained. Employees or students must not be interviewed. Third parties within the Academy may be asked, but not required, to write an account of their direct experience in relation to the allegation.

Where the Principal considers that a referral might be warranted under Child Protection Procedures, she/he must refer the matter accordingly without delay. Any alleged physical injuries must be investigated by the appropriate external agencies.

The Principal may seek advice from appropriate agencies. These agencies include the Social Services, the Department for Education and the Police.

At this initial stage, the Principal, in consultation with any external agencies, should decide on the extent to which information can be shared with the Academy employee who is the subject of the allegation.

If the Principal decides to refer an allegation to the Social Services and/or the Police, any internal Academy enquiries should be held in abeyance until the Social Services/Police have indicated that they have no further involvement.

If an external referral is decided

The Principal should contact the Duty Officer at the Social Services office or the Police, as appropriate, to report the allegation.

The Principal should discuss with the Duty Officer what may and may not be said to the student, parent or carer, to the Academy employee against whom the allegation has been made, and to the initial informants.

The Principal should inform the Chair of Governors that an allegation relating to an Academy employee has been referred. The Principal should not describe the circumstances of the allegation to the Academy at this stage.

The Principal should prepare a standard response to queries from Academy parents and carers and the media. The response should indicate that:

- i) The matter is governed by procedures which the Principal is obliged to follow.
- ii) The matter is in the hands of the appropriate agencies and no further comment can be made.
- iii) No names can be given for public use.

When inter-agency discussions take place, it is essential that the Principal or a substitute attends.

When the appropriate agencies have completed their procedures, the Principal may decide that an internal investigation should be carried out to establish whether or not the Academy's Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Academy must follow the Academy's Disciplinary Procedure. Interviews with children should be kept to a minimum.

If an external referral is not made

An external referral would not normally be made when the Principal is satisfied that children are not at risk of significant harm or that a reportable criminal offence has not been committed.

An internal investigation should be carried out to establish the circumstances. If the Principal decides that disciplinary action may be appropriate, the Academy's Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Academy must follow the Academy's Disciplinary Procedure. Interviews with children should be kept to a minimum.

Suspension of Staff

Suspension should not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. Suspension is not a disciplinary action.

The decision on suspension is for the Principal to take. Where external agencies are involved, any decision on suspension should be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.

Employees who are suspended should be advised who is their point of contact in the Academy. Employees who are suspended should also be advised to contact their professional association, trade union or other professional body.

Supporting those Involved

Supporting the Employee

The Academy has a duty of care to its employees. They should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority social care services or the police.

The individual should be advised to contact their trade union representative, if they have one, or a colleague for support and be given a named representative at the Academy to inform them of the progress on the case. They could also be given access to welfare counselling or medical advice.

Supporting the Parents and Carers

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it.

They should also be kept informed about the progress of the case, and told 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. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care services, or the police as appropriate,

should consider what support the child or children involved may need.

Role of the trust executive and Board of Governors

Members of the trust executive, including the executive principal, or the Board of Governors will not normally become involved in child protection inquiries involving Academy employees unless there is a request to participate under the Academy's Disciplinary Procedure or if the Principal is directly involved in an allegation.

Record keeping

The Safeguarding Officer is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.

The Safeguarding Officer should also ensure that a record is maintained of the process followed in handling the allegation. The Principal should verify the accuracy of that record.

These records must be stored securely.

Confidentiality

Confidentiality should be maintained when an allegation is made. However there may be a need to share information with relevant agencies, for example at a strategy meeting on a need to know basis.

Any enquiries from the press or requests made via the Freedom of Information Act should be directed to the Principal or executive principal.

Monitoring and Evaluation

The executive principal, Board of Governors and Principal will monitor the operation and effectiveness of the Academy's allegations of abuse against staff policy.