

What Records Will Be Kept?

Unless the allegation is shown to be malicious, a summary record will be given to you, and kept on your personnel file until you reach normal retirement age, or for 10 years if that is longer. The Trust as your employer will also keep a record of all allegations that are not found to be malicious. All records of a malicious allegation will be destroyed. Other agencies, if involved, will keep their own records.

Disclosure and Barring Service (DBS)

If you are dismissed for a child protection incident or are considered unsuitable to work with children, or you resign but may have been dismissed if you hadn't, the Trust and school management will make a referral to the DBS for consideration of barring you from employment in regulated activity with children. If referred, you will have the right to make representation. We also have a statutory duty to make referrals to other regulatory bodies in certain circumstances (e.g. NCTL, HCPC)

Alleged Criminal Offences

If there is a Police investigation, you may be arrested or invited to the Police Station to assist with the investigation. If arrested or interviewed, you should be cautioned as follows: *"You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence"*

At the Police Station, you will be entitled to free and independent legal advice from a duty solicitor. If you choose your own solicitor, make sure s/he specialises in criminal law. If you are not under arrest, you should be told that you are free to leave if you wish to do so.

The Custody Officer will keep a record of your detention, and explain your rights e.g. to have someone informed, to make a phone call, and to consult and read the "Code of Practice" covering treatment during detention and interview.

You can usually be held up to 24 hours, after which you must be charged or released. In more serious cases, this can be extended to 36 and 96 hours, on the authority of a Superintendent or Magistrate.

The Crown Prosecution Service (CPS) is responsible for

If you admit the offence, the CPS may advise that you be formally cautioned. You should seek advice from your Union/Solicitor before accepting a caution; because it may influence a decision about proceedings should you offend again. It could also affect your ability to continue to work with children, and in sexual abuse cases, you could be placed on the Sex Offenders Register.

If the CPS advises charging, this will be carried out by the custody officer. You will be released on bail to appear in court at a future date or kept in custody to appear at the next available court.

You are strongly advised to seek support and the following contacts may be helpful:

| | |
|-----------------------------------|--|
| Named Contact | Advised by school management |
| Charity Office HR Manager | Jayne Hammond-Smith 01483 891100 |
| Trust CEO | TBC 01483 891100 |
| Staff Support/ Counselling | Sourced as needed via Charity Office HR Manager 01483 891100 |
| Union Representative * | Personal to all employees |

* RADIUS Trust does not have a recognition agreement with any Trade Union/Association.

More detailed information can be found in:

- Joint NEOST/Teacher Union guidance: Staff Facing an Allegation of Abuse Guidelines for Practice & Procedure 2002
- DfE Keeping Children Safe in Education: information for all school staff Sept 2016 – <https://www.gov.uk/government/publications/keeping-children-safe-in-education>
- Surrey Safeguarding Children's Board (SSCB) - <http://sscb.proceduresonline.com>
- West Sussex Children's Board (WSCB) – <http://pansussexscb.proceduresonline.com>

SC.P10.T2



GUIDANCE FOR STAFF FACING AN ALLEGATION OF CHILD ABUSE

October 2016
Version 7.0



Brantridge School



Grafham Grange School



St Dominic's School

Introduction

The aim of this guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- harmed a child or may have harmed a child, or
- committed a criminal offence against or related to a child, or
- behaved towards a child/children in a way that raises concern about your suitability to work with children.
- You are closely associated with someone against whom there are allegations which may impact on your role.

Initial Action

Unless the allegation is that you used reasonable force to appropriately restrain a pupil or is trivial in nature, school management will consult the Local Authority Designated Officer (LADO) in the Local Authority Safeguarding Service.

School management will consider the next action, taking advice from the LADO, Children's Social Care Services and the Police as needed. Police may advise that you are not told about the allegation immediately.

The outcome will be one, or a combination, of:

- a) The child/young person is alleged to have suffered, or is likely to suffer significant harm - immediate referral to Children's Services
- b) A criminal offence is alleged - referral to Children's Social Care Services and the Police
- c) The allegation represents poor or inappropriate behaviour - considered under Trust Disciplinary Policy and/or Capability Policy
- d) The allegation is clearly and demonstrably malicious or false

If a) or b): a Strategy Meeting (multi-agency) will take place involving Police, Children's Social Care, school management, LADO, and a Trust representative. You will not be invited. The discussion will focus on the needs of the child/young person who may be at risk. It will determine what action should be taken, but it is not part of any disciplinary procedures.

If d): you will be told verbally and in writing that the allegation is without foundation, and that no further action will be taken.

Types of Possible Investigation

- Child protection enquiries by Children's Social Care Services
- Criminal Investigation by Police
- Disciplinary/capability investigation

A disciplinary investigation commences when any external agency investigations are complete, unless prior agreement is reached (or an external investigation was not required). There are 4 conclusions to an employer's disciplinary process: that the allegation was founded, malicious, false or unsubstantiated.

Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent Trust disciplinary proceedings.

Suspension

A decision to suspend rests solely with the Headteacher/Principal within RADIUS Trust. Suspension is a neutral act, and will not be automatic. Where possible, the decision to suspend should be informed by the Strategy Meeting and should only occur when:

- a child or young person may be at risk
- the allegations are so serious that dismissal for gross misconduct is possible
- suspension is necessary to allow the conduct of the investigation to proceed unimpeded

Alternatives will always be considered e.g. leave of absence, transfer duties, and additional supervision.

Where suspension is being considered, you will be invited to a meeting to inform you of the allegation against you and give you the opportunity to make representations. Representation at this meeting and any investigatory meetings will not normally be offered, although will not usually be refused, unless by agreeing to this, it could cause an undue delay to the investigation taking place. You may request to be accompanied by a trade union/ professional association representative or a work colleague. Suspension will be followed up in writing within 24 hours.

Who will be notified?

People, including other staff, should only be informed about the allegation on a 'need to know basis'. Notification may be delayed if Police think this could prejudice an investigation.

Those who will be informed of the allegation and likely course of action include you, the child or young person concerned, his/her parent/carer, the person making the allegation, your line manager, LADO and relevant senior Trust staff.

If you are suspended, Trustees and school Governors will be given limited information so any future disciplinary process is not prejudiced.

If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

Support

School management will:

- Advise you to contact your Union representative or professional association (if you have membership)
- Give you a named contact who should keep you up to date with progress of your case
- Give you a named contact, if you are suspended, who will update you about normal school activities. Social contact with colleagues should not be precluded unless detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation
- Source staff Support/Counselling Service if needed.

This will be a stressful time and as well as contact with your union representative/ professional association, you are strongly advised to see your GP if you think your health may be affected.

Return to work

If you have been suspended and it is decided you should return to work, a planned approach will be agreed if necessary with your trade union representative/ professional association if possible.