



Cherry Tree
EDUCATION

CHERRY TREE SCHOOL ALLEGATIONS AGAINST MEMBERS OF STAFF POLICY

DATE AGREED / REVIEWED: SEPTEMBER 2017, SEPTEMBER 2018,
SEPTEMBER 2019, SEPTEMBER 2020, SEPTEMBER 2021, SEPTEMBER
2022, SEPTEMBER 2023

DATE OF NEXT REVIEW: SEPTEMBER 2024

HEADTEACHER SIGNATURE:

MANAGEMENT COMMITTEE CHAIR SIGNATURE:

ALL STAFF MUST HAVE ACCESS TO THIS POLICY, AND SIGN TO
CONFIRM THAT THEY HAVE READ, UNDERSTOOD AND WILL
ADHERE TO ITS CONTENTS.

Cherry Tree Allegations Against Members of Staff Policy

Introduction

There are many reasons why a pupil may make an allegation against a member of school staff;

- the member of staff has behaved inappropriately;
- the pupil uses, or tries to use the allegation as a tool to change his / her life e.g. to break down the school / care placement etc.
- the pupil regards the staff member as very important to him / her emotionally, either particularly disliking or liking them;
- a pupil who is feeling hurt and / or angry may use an allegation to lash out at an individual randomly or specifically, or as a representative of 'the system'.

Whatever the reason, making an allegation puts the pupil in a powerful and central position, and inevitably means that he / she is listened to. At the same time, it may be a frightening process; even pupils with genuine allegations become distressed that they have 'caused trouble' or may feel that, at some level, they have deserved the treatment they have received.

For a member of staff against whom an allegation is made the impact is huge. In practical terms it threatens his or her career and future prospects; in emotional terms it can cause fear, frustration, anger, anxiety and an undermining of all relationships with pupils and perhaps with other staff. Even when an allegation has been proven to be unfounded, staff may find that it has an on-going impact on their working practice, on their desire to continue working in Cherry Tree, and on their emotional well-being.

How allegations may be made

An allegation is, therefore, a very serious statement. It is imperative that any allegation is seen to have been investigated fairly, as speedily as possible, and according to a process clear to, and understood by, all those concerned. Both pupil and staff member involved need and deserve support through the process which follows. This process is outlined below.

1. Pupil makes an allegation against a member of staff in one of the following ways.
 - a. The pupil may tell the member of staff involved. In this circumstance the pupil should be offered the opportunity and facility to confirm the allegation in writing. It is not, generally, appropriate that the member of staff involved should be involved when the statement is written. Ideally, the pupil will be taken to the DSL / Headteacher / School Operations Manager to make their statement, although this member of staff should not have been involved in or have witnessed the alleged incident. He/she should be offered someone to write their statement for them if they choose. However, a pupil should not be delayed from making an initial statement.

Staff should not pass judgement either over what is written in the statement or over the pupil's decision to make it. They should not, if they are writing down, or listening to, the

pupil make a comment or statement or ask any leading questions, although it may be appropriate to clarify confusing aspects of the statement by asking for a fuller description, and it is useful if the pupil confirms who was present at the time of the incident.

The statement should be signed and dated.

If any allegation proceeds to this stage;

- Senior school staff including a DSL must be informed (and given a copy of the statement if not present at its writing);
- Appropriate stakeholders must be informed, and the alleged incident described by the senior member of staff involved.
- The Social Worker must be informed.

Practise shows that:

- many pupils calmly offered the opportunity to write down an allegation will choose not to do so; this should be logged;
- many pupils will say that they will write it down later, and should be offered a further chance to do so; this should be logged whether they choose to do so or not;
- the more calm and professional staff remain, the less any situation is sensationalised, and the easier it is to sort out the facts;
- pupils who are not offered an early opportunity to write their statement will have opportunities to collude with other pupils;
- the member of staff concerned must consider seriously whether or not it is appropriate to continue working with the pupil concerned, and whether they do so or not, should alert their immediate colleagues to avoid situations which may make the situation worse e.g. being involved in a physical intervention with a pupil who has just made an allegation;
- should the allegation require further action staff who have, or appear to have, colluded in their statements, may seriously undermine their defence

b. The pupil may tell another member of the school staff.

- The procedure outlined above should be followed.
- It may be difficult to decide whether or not to inform the colleague concerned that a pupil has made an allegation against them, and given the potential conflict between personal loyalty and professionalism it is the policy of Cherry Tree that **IT IS THE RESPONSIBILITY OF THE SENIOR MEMBER OF STAFF INFORMED OF THE INCIDENT TO INFORM THE MEMBER OF STAFF INVOLVED THAT AN ALLEGATION HAS BEEN MADE AGAINST THEM.**

c. If the allegation is against the Headteacher; the procedures outlined above are led by the Chair of the Management Committee.

When an allegation has been made

In the two cases outlined above, school staff will know about the allegation from the outset.

The following will / may then occur:

- brief statements will be taken from those involved and from witnesses by a senior member of staff. These may (and frequently do) resolve the situation from the school point of view. THE SENIOR MEMBER OF STAFF WILL THEN INFORM STAFF AND STAKEHOLDERS INCLUDING THE PUPIL, OF THE CONCLUSION OF THE INVESTIGATION. The statements made at this point are critical; staff should write in as much clear detail as possible, since later recollections may seem the result of collusion.
- A possible consultation with the Local Area designated Officer (LADO)
- the member of staff involved may be asked to work in a different role in the short term. This removes many of the possibilities for accusations of collusion as well as protecting staff and pupils from any escalation of the allegation;
- less commonly, a pupil may be moved. It is essential that the pupil concerned does not appear to be punished for having made an allegation; equally the pupil should not appear to be rewarded (by missing an unpopular lesson etc.) for having made an allegation;
- other colleagues will have to work around the absences of colleagues who are giving statements etc. THEY SHOULD NOT QUESTION COLLEAGUES ABOUT THE INCIDENT, WHICH WILL ANYWAY BE RECORDED IN BRIEF IN THE LOG. NO ALLEGATION SHOULD BECOME THE SUBJECT OF GOSSIP. THIS MAY BE DETRIMENTAL TO THE FAIRNESS, OR EVEN LEGALITY, OF THE INVESTIGATION. IN ADDITION, THE MEMBER OF STAFF WHO IS THE SUBJECT OF AN ALLEGATION HAS THE RIGHT TO PERSONAL AND PROFESSIONAL PRIVACY, SHOULD THEY WISH TO CLAIM IT.
- the member of staff may be suspended and asked to leave the premises. In these circumstances he / she should not discuss what has happened with pupils / colleagues.
 - The decision to suspend a member of staff may be taken because of the nature of the allegation, because of pupil or staff safety, or because the incident cannot be concluded speedily, and the staff member and / or pupil is vulnerable because of this.

NONE OF THE ABOVE RESPONSES CONSTITUTE DISCIPLINARY ACTION.

NONE OF THE ABOVE RESPONSES SHOULD BE CONSIDERED A JUDGEMENT ON THE INDIVIDUAL INVOLVED.

When a member of staff is suspended

- All members of staff are advised to belong to an appropriate Trade Union; and to contact them should they be suspended.
- Many allegations reported to parents / carers and / or social workers, or to the police, will automatically become Child Protection issues and / or be reported to the CPS. The member of staff involved may not be informed of the allegation until the police are involved, and even if the school has been asked to provide evidence, it may have been instructed not to inform staff. Similarly, the school may be obliged to report an incident to Child Protection and receive a similar instruction.

In most cases where an allegation may become an issue of Child Protection suspending the staff member is the appropriate response because it:

- protects the pupil involved and other pupils;
- demonstrates that the safety of the pupils is at the heart of the practice of all members of staff at Cherry Tree;
- protects the member of staff from the accusations and further accusations of the pupil involved and other pupils;
- protects the member of staff from accusations of collusion.

While a member of staff is suspended

Although many colleagues wish to support and defend colleagues suspended from work, we need to realise that should that member of staff find themselves facing legal action any suspicion that they have colluded in presenting a version of events, or that Cherry Tree has either encouraged, supported or even known about such collusion will have serious effects upon their credibility and the credibility of the school. Simply,

THE BEST DEFENCE FOR A MEMBER OF STAFF ARE DETAILED LOG ENTRIES / INCIDENT BOOK ENTRIES / RECORDS OF CALLS TO APPROPRIATE STAKEHOLDERS ETC. DESCRIBING THE PUPIL'S PREVIOUS BEHAVIOUR AND WHAT HAPPENED IN THE INCIDENT.

At the same time a member of staff who has been suspended may feel isolated and unsupported especially if they are suspended for a lengthy period of time.

It is, therefore, the policy of Cherry Tree that:

1. other school staff will NOT contact a member of staff who is suspended because it may harm them if the allegation came to court;
2. a member of the school will contact the member of staff at regular and arranged times to update that member of staff about the allegation and any other school news;
3. counselling will be available on request to the member of staff during the period of suspension;
4. when the member of staff returns to work, he / she will be offered opportunities to talk to a senior member of staff not associated with the incident about any on-going emotional support they may need, and to a member of the senior staff about their professional needs as they re-integrate into school life.

Possible Outcomes

When an allegation is made, there will be two separate outcomes to consider.

1. External Procedures, controlled by Child Protection, the police and the CPS. Cherry Tree has no control over the time scale of these procedures, which may be extremely lengthy. Cherry Tree staff may be instructed to keep information confidential.

These procedures may result in:

- a. The member of staff being prosecuted. A conviction may well affect employment at Cherry Tree and any other similar employment.
 - b. The case not coming to court due to lack of evidence etc.
 - c. The Child Protection team deciding not to refer the case to the police.
2. Internal Procedures, based on job descriptions, contract of employment etc. Cherry Tree has an obligation to treat staff and pupils fairly and within reasonable time frames according to employment law. These Procedures always follow 1.

Additional Information for the Allegations against Members of Staff Policy

Allegation against the Safeguarding Lead

If an allegation is made against a Cherry Tree Designated Safeguarding Lead the complaint must go to the Management Committee Chair.

In some circumstances other services may need to be contacted e.g. the Local Area designated Officer (LADO), the police and or specific local authorities. A full list of these contact details can be found at the end of this document in Appendix 1.

**This policy will be reviewed at least annually by the Headteacher
and or the Management Committee**

Appendix 1

DSL Emma Brown (School Operations Manager) 07745354498

DDSL Susan Finn (Headteacher) 07710548733

Management Committee Deputy Chair (DSL trained) via school office 01843290131

The school's points of contact for children who are the focus of concern are as follows:

www.kscmp.org.uk

Kent safeguarding children's multi-agency partnership 03000 421126

National domestic abuse helpline: 08082000247 (24 hour helpline)

Education Safeguarding Team 03000 418503

Integrated Front Door – 03000 411111

Out of Hours – 03000 419191

Online protection – 03000 415797

Child Sexual Exploitation (Kent) – 101 and quote operation willow

Local Area Designated Officer LADO for Kent: IN office hours 03000 410888

Out of hours 03000419191

Local Area Designated Officer LADO for Brighton and Hove: IN office hours 01323 464222

Out of hours 01273 335905 or 01273 335906

Local Area Designated Officer LADO for Ealing: IN office hours 02088 258930

Out of hours 02088 255000

Local Area Designated Officer LADO for Essex: IN office hours 03330 139797

Out of hours 0845 6061212

Local Area Designated Officer LADO for Surrey In office hours 03001231650

Out of hours 01483517898 (Duty team)

Out of Hours Emergency Duty Team Kent – 03000 419191

Police Emergency - 999 - Kent Police Non-Emergency – 101

OFSTED Safeguarding Children 08456 404046 (Monday to Friday from 8am to 6pm)

Whistleblowing@ofsted.gov.uk

Department for Education dedicated helpline for staff and Management Committee members:

020 7340 7264 and counter-extremism@education.gsi.gov.uk

Disclosure and Barring Service:

PO Box 181, Darlington, DL1 9FA Tel: 01325 953795