

PROCEDURES FOR ALLEGATIONS AGAINST STAFF

Last Reviewed/Updated: 05.02.2020

Next Review/Update: 21.08.2020

1. Aims

To ensure that any allegation made against a teacher or other member of staff or volunteer working at Regent College is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.

2. Points of Contact

The **Designated Safeguarding Lead (DSL)** is **Miss Caroline Shephard** and she is the primary point of contact for all safeguarding concerns or queries. **The Deputy Designated Safeguarding Leads (DDSL)** are **Ms Maja Skibinska** and **Mr Amit Obhrai**. They can be reached at Regent College, 167 Imperial Drive, Harrow, HA2 7HD or via 0208 966 9900 or by email via caroline.shephard@regentgroup.org.uk, maja.skibinska@regentcollege.uk.com and amit.obhrai@regentcollege.uk.com respectively..

Allegations against staff should be made to the DSL but the Co-Principals must be kept informed.

If the allegations concerns the DSL or DDSLs then the allegation should be escalated to the Co-Principals instead.

If the allegations concern the Co-Principals, then the LADO should be informed directly and the Co-Principals must not be notified beforehand.

Staff members may also directly report to the LADO should they have a concern.

LADO: Janice Miller

Janice.Miller@harrow.gov.uk

Tel: 020 8736 6435 Monday – Friday

The Harrow Safeguarding Partnership telephone number, also known as the Golden Number, is 0208 901 2690. They can also be contacted via email to LSCB@harrow.gov.uk if the LADO cannot be reached.

3. Legislation

This guidance is based on:

- The Children Act 1989;
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector);
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004;
- Section 11 of the Children Act 2004 (other agencies); and
- Sections 141F, 141G and 141H3 of the Education Act 2002

4. Basic Procedures

All allegations made by a student against a member of staff must be recorded immediately and be made known to the DSL. This should happen immediately after the allegation is made.

When a student asks to speak to a member of staff privately, or makes an allegation, staff must ensure that evidence is not taken alone, with the door closed, but that whenever practically possible, an additional member of staff preferably the DSL is present.

Staff members are advised to follow good practice at all times as follows:

- In accordance with every teacher's statutory duty of care, students should not be inappropriately treated or touched
- Staff members should make every effort not to put themselves in a situation where they are alone with a student, with the door closed - seek the presence of another member of staff wherever possible
- Due to the nature of the conversation surrounding an allegation, a student may ask that they speak to you alone and shut the door, but wherever possible prevent this from happening.

5. Process

1. Record the allegation – verbatim, as soon as possible after the disclosure.
2. Tell the appropriate person as outlined in section 2.
3. In cases of evident unlawful serious harm, the police will be involved
4. The DSL or Co-Principal (depending on circumstances) will contact the Local Authority Designated Officer
and will discuss the situation and advise on any subsequent action
5. The teacher or staff member(s) involved should not be informed or contacted
6. Suspension can occur at this stage but is not automatic

6. Action in respect of false Allegations

If an allegation is determined to be false the matter will be referred to Children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else.

If the allegation is shown to have been deliberately invented or malicious, the Co-Principals will consider whether any disciplinary action is appropriate against the student who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a student.

7. Resignations and Compromise Agreements

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up. The process of reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate.

“Compromise agreements” by which a person agrees to resign, the college will not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in these cases. Such an agreement will not override the statutory duty to make a referral to the Disclosure and Barring service where circumstances require that.

The College will report to the DBS within one month of leaving any person (whether employed, contracted, a volunteer or student) whose services are no longer used because he or she is considered unsuitable to work with children, and the college has a duty to consider referral to the Teaching Regulation Agency (TRA) - this will be in line with their criteria.

Advice about whether an allegation against a teacher is sufficiently serious to refer to TRA can be found at: <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>

8. Record Keeping

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

9. Timeline

Process following either a discussion with the LA designated officer or for the matter to be dealt with by the employer.

It is in everyone’s interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.

It is expected that most cases should be resolved within one month. If the case is more complicated it could take up to three months, and all but the most exceptional cases should be completed within 12 months. ***(Taken from DfE guidance “Dealing with allegations of abuse against staff”)***

7.1 No formal disciplinary

If the nature of the allegation does not require formal disciplinary action, the Principal should institute appropriate action **within three working days**.

7.2 Further investigation

Where further investigation is required to inform consideration of disciplinary action the Co-Principals and the Human Resources Manager should discuss who will undertake that.

The investigating officer should aim to provide a report to the employer **within 10 working days**.

On receipt of the report of the disciplinary investigation, the Co-Principals, and Human Resources Manager should decide whether a disciplinary hearing is needed **within two working days**.

If a hearing is needed it should be held **within 15 working days**.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Co-Principals will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The local authority designated officer will continue to liaise with the college to monitor progress of the case and provide advice or support