



The Southfield Trust

Allegations of Abuse Against Staff Policy

This document should be read alongside 'A Protocol for Responding to Allegations of Sexual or Physical Misconduct by an Employee of a Professional Agency Represented on the East Sussex Area Child Protection Committee' (Appendix 1)

Principles

The Southfield Trust takes the responsibility of care for its students seriously and fully endorses the principles and practice of Every Child Matters. We recognise that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

Procedures

1. Initial Allegation Made to the School

Any allegation of abuse by a teacher on a student must be reported to the Executive Head Teacher. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation to report it to the Executive Head Teacher immediately.

Should the allegation be made against the Executive Head Teacher, then this should be brought to the attention of the Chair of Trustees immediately.

Should the allegation meet any of the following criteria then the Executive Head Teacher should report the allegation to the local authority designated officer the same day that the allegation is received:

- A teacher or member of staff (including a volunteer) possibly behaved in a way that has harmed a student or may have harmed a student;
- A teacher or member of staff (including a volunteer) possibly committed a criminal offence against or related to a student; or
- A teacher or member of staff (including a volunteer) possibly behaved towards a student/s in a way that indicates s/he is unsuitable to work with children.

2. Initial Consideration

The Executive Head Teacher will discuss the matter with the local authority designated officer and provide any further details of the allegation and the circumstances in which it was made. The Executive Head Teacher will not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not patently false and there is cause to suspect that a student is suffering or is likely to suffer significant harm, the local authority designated officer will immediately refer to children's social care and ask for a strategy discussion to be convened straight away. In those circumstances the strategy discussion should include the local authority designated officer and the Executive Head Teacher.

If there is not cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the local authority designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the school and any other agencies involved with the student.

3. Action following initial consideration

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Executive Head Teacher to deal with it. In such cases, if the nature of the allegation does not require formal

disciplinary action, the Executive Head Teacher should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action the Executive Head Teacher should discuss who will undertake that with the local authority designated officer. 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 Executive Head Teacher and Chair of Trustees should consult the local authority designated officer, and 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 student/s are in need of protection, the Executive Head Teacher and Chair of Trustees should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The local authority designated officer should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

4. Case subject to police investigation

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the Executive Head Teacher within three working days of the decision. In those circumstances the Executive Head Teacher and the local authority designated officer should proceed as described above.

In any case in which children's social care has undertaken enquiries to determine whether the student/s are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school and the Executive Head Teacher should request this information.

5. Referral to DCFS

If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his or her services, the school should consult the local authority designated officer about whether a referral to DCFS is required. If a referral is appropriate the report should be made within one month

Appendix 1

A Protocol for Responding to Allegations of Sexual or Physical Misconduct by an Employee of a Professional Agency Represented on the East Sussex Area Child Protection Committee

1 Scope

This protocol has been devised by senior officers of the Social Services Department, Education Department and Sussex Police. The processes described in this protocol are intended to be consistent with, and to complement the East Sussex Area Child Protection Committee's Child Protection Procedures and the "Memorandum of Good Practice on Video recorded Interviews with Child Witnesses for Criminal Proceedings" produced in conjunction with the Criminal Justice Act 1991. This protocol is not intended to replicate all of the relevant processes from the formal procedures in these documents and they should be referred to for detailed guidance.

2 Principles

Allegations that an employee of a professional agency has misbehaved towards a child in a manner that is defined as child abuse within the Child Protection Procedures will be responded to by a joint investigation in line with those Procedures.

Using such procedures will avoid repetitive interviewing of the child/children, and will ensure that the interviewers are appropriately trained and skilled to undertake the investigation.

Children who have been abused should be offered appropriate counselling or other support services as appropriate.

The requirements of the separate criminal civil and disciplinary processes that might need to be enacted can be incorporated into a single interview process.

First consideration will always be given to the welfare of the child and the child's needs will take precedence over those of civil, criminal or disciplinary processes.

3 Delegations

The Authority to determine whether or not an interview should be video recorded rests with the Team Manager/Detective Inspector, taking into account the principles outlined above.

4 Procedures

4.1 Referral

Whichever agency is the first recipient of a referral that an employee is subject of an allegation of sexual or physical misconduct towards a child the appropriate staff within that agency will refer the case to the local Social Services office, in accordance with the referral procedures in the East Sussex Child Protection Procedures.

4.2 Strategy Discussion

The Social Services Department will initiate the necessary steps to ensure that the full strategy discussion takes place between Social Services, Police and the staff who will lead any disciplinary process (e.g. Line Manager and a Personnel Officer). Given the added complexity of potential disciplinary issues in addition to the care or criminal components of other child protection investigations it will most often be appropriate for the strategy discussion to take place at a face to face meeting of key staff. It will be important that this meeting takes place quickly, and normally within 2 working days.

The strategy discussion will include consideration of who will conduct the interview, whether it will be recorded on video (See Appendix for Policy Statement), who will supervise the interview and, the involvement of key others in the process; e.g. if appropriate, parents/carers.

The Personnel Officer will be responsible for ensuring that a form of words is added to the consent form so that the parents and child are aware that the recording may be used for future disciplinary purposes.

4.3 The Interview and Related Processes

Interviews with children that are to be video recorded will take place in specially equipped Social Services premises. The strategy discussion will need to determine the location of those interviews which are to be recorded by statements only.

Staff with a line management responsibility for the employee under investigation will not normally be invited to directly observe the interview. This will particularly need to exclude staff working within the same establishment. However, managers need to be fully involved in the process and informed about developments. A representative from the relevant Personnel Section or appropriate other manager, will be allowed to view the interview taking place.

Under no circumstances will an alleged perpetrator of abuse, or his/her solicitor, be allowed to be present behind a screen during Interviews with a child.

4.4 Use of and Access to a Video Recording

The video record of an interview with a child will be the property of the Police. Three copies will be simultaneously made of each interview; one copy will be sealed and maintained as a master copy in the event of a future prosecution; the Police and Social Services will retain a working copy each.

Relevant staff from the Department considering personnel proceedings (e.g.; Personnel Officer, Line Manager etc) will be entitled to view the tape at a Social Services venue for the purpose of determining what action if any they need to take within personnel procedures.

Whilst consideration is being given to a potential prosecution no further access will be allowed to the tape without the authority of the Investigating officer from Sussex Police.

If a decision is made to charge the alleged perpetrator then all requests for access to the tape should be referred via the Police to the Crown Prosecution Service.

If the Police/CPS determine, for whatever reason, that a prosecution will not go ahead then a copy of the tape will be made available for the purposes of progressing any disciplinary proceedings. In this case the Department receiving the tape will undertake to abide by the requirement to keep an accurate log of who has access to the tape and why. No further copies of the tape will be made without the permission of the Police or an Order of a court.

Where it is judged appropriate for an alleged perpetrator and his/her legal representative to view a copy of the tape then wherever possible this should be facilitated at the centre where it was made.

No person shall have access to a video recorded interview of a child victim/witness except for the clear purposes of carrying out a formal process connected with criminal/civil or disciplinary proceedings.

4.5 Conclusion of Process

There is value in the key staff involved in an investigation meeting together at the point at which no further formal processes are expected to take place. The purpose of such a meeting will be to consider what information needs to be made available to the child/carer/initial referrer; what needs to

be said to the subject of the allegation; what information can be given to other staff; whether any further counselling services are required; who undertakes these various communications and within what timescale.

There may also be an opportunity for reflecting on the process of the investigation and whether any new issues have arisen which have not surfaced before, and therefore whether there are any practice lessons to be learned.

Such a concluding meeting is an important but nonetheless informal meeting between the agencies and should not be attended by anyone other than the key staff involved.

5 Miscellaneous

It must be stressed that these notes are for guidance only. There will be situations or reasons relevant to a specific case where different action than that described above will be required; e.g. the Police need to take immediate action, a child may need to be admitted to hospital. In such situations a strategy discussion will take place as soon as possible after these events.

Discussions regarding possible disciplinary procedures will take place outside of the strategy discussion.