

September 2015



Leeds Jewish Free School

Allegations of Abuse against Staff

September 2015

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1.0 Roles and Responsibilities

The responsibility for implementation of this policy rests with the Executive Headteacher..

2.0 Suggested Audience

All school staff and governors.

As part of their school induction or professional development, all school staff will participate in training which enables each person to be familiar with the principles and procedures outlined in this policy.

Future changes as a result of new legislation and guidance from other national bodies will also form part of a programme of Continuing Professional Development.

3.0 Related Policies

This policy is one of a suite of policies which should also be referred to:

- Staff Code of Conduct
- Staff Discipline
- Performance Management

4.0 Introduction

This policy is written reflecting the most recent guidance from the Department for Education (DfE) (October 2012). This guidance incorporates government legislation:

- The Children Acts 1989 and 2004
- The Education Acts 2002 and 2004

5.0 School Commitment

Leeds Jewish Free School is committed to safeguarding and promoting the welfare of all of its students and also promote the safety, health and well-being of its staff. While the school works hard to safeguard its students, through for example the use of Safer Recruitment processes, careful checking of suitability and constant monitoring through the school's Quality Assurance programme, it is not complacent about its processes and will respond quickly to address any concerns. Equally, the school will strongly support staff: all allegations will be quickly and confidentially investigated, recognising that allegations may be malicious or completely unfounded.

The Executive Headteacher will take responsibility for investigating all allegations and will seek to use other senior staff from the appointed education provider to quickly and confidentially investigate all allegations.

6.0 Duties of the school

The Governing Body:

- Will use this policy to investigate, in association with the Rodillian Academy in the instance of teaching staff, where a member of staff may have posed a risk of harm to a child or children in the school. Risk of harm includes:
 - Behaviour that has harmed or may have harmed a child
 - Behaviour which may have resulted in a criminal offence being committed
 - Behaviour towards a child or children in a way that indicates he or she would pose a risk of harm if he/she worked regularly or closely with children
- Will investigate all allegations as quickly as possible, in a fair and consistent way that provides effective protection for the child and at the same time, supports the person who is the subject of the allegation.

7.0 Considerations

The school will deal with all allegations quickly and confidentially, using common sense and professional judgement. Some cases however may be so serious that immediate intervention by Children's Service or the Police is required. The Local Authority Designated Officer¹ (LADO) (See appendix 1 for contact details) will be contacted immediately by the Executive Headteacher (or Chair of Governors if the allegation relates to the Executive Headteacher) if the school judges the allegation to be serious.

Following a discussion with the LADO, a decision will be taken to investigate further or agree that the allegation is unfounded. Where further investigation is necessary, the Executive Headteacher (or Chair of Governors) will discuss this with Children's Services or the Police before informing the education provider (where necessary) and/or the person about the allegation.

8.0 Action following an allegation

The Executive Headteacher of LJFS, and Headteacher of the appointed education provider where the allegation relates to teaching staff, will consider the most appropriate action to be taken. Suspension will be considered as a last resort and will hinge on the risk of harm to the child or children. Suspension will only be used if there is no reasonable alternative. The Executive Headteacher may investigate the allegation himself or nominate a senior leader. Following a careful and thorough investigation, the Executive Headteacher will use the evidence to decide on the next course of action, which may include further discussion with LADO or Children's Services or the Police. Appropriate actions will range from 'no further action (where the allegation is unfounded or unsubstantiated) to dismissal or not to use this person's services in the future.

9.0 Definitions

The school will use the following recognised definitions:

¹ The LADO is a police officer with the rank of Inspector appointed for the Children Act 1989.

- Substantiated: there is sufficient identifiable evidence to prove the allegation
- False: there is sufficient evidence to disprove the allegation
- Malicious: there is clear evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false
- Unfounded: there is no evidence or proper basis which supports the allegation. The person making the allegation misinterpreted the incident or was mistaken about what they saw.
- Unsubstantiated: There is insufficient evidence to prove or disprove the allegation. This is not the same as a false allegation. The term implies neither guilt nor innocence.

10.0 Supporting Staff

The school has a strong duty of care for all staff. School leaders will work confidentially and sensitively to minimise the stress on staff and will provide support and information to keep staff informed wherever possible. The Executive Headteacher will appoint a named contact to provide support and accurate information.

11.0 Confidentiality

The Education Act 2011 introduced reporting restrictions preventing the identification of any teacher until the point at which he or she was charged with an offence or the Secretary of State publishes information or makes a decision in a disciplinary case about the allegation

12.0 Resignations and 'Compromise Agreements'

If the member of staff resigns or ceases to provide a service, this will not stop an allegation being investigated. In all cases where an allegation may involve the health and safety of children an investigation and decision should be reached.

'Compromise agreements' where a person agrees to resign if the school agrees not to pursue disciplinary action will not be used. Such agreements will not halt police investigations nor can these override the statutory responsibility of the school to inform the Disclosure and Barring Service (DBS)

13.0 Record Keeping

The school will keep clear and accurate records regarding all allegations, which will be securely stored and confidential. Where allegations are judged to be false or malicious these will be entirely removed from staff records. For all other judgements, clear and detailed records will be retained, with a note taken on the actions taken, with a copy given to the member of staff. Records should be kept until a person retires or for a period of ten years from the date of the allegation.

14.0 References

Cases where allegations have been proven to be false, unsubstantiated, malicious or unfounded will not be included in references from the school.

15.0 Timescales

Immediate investigation and the prompt resolution of every allegation, consistent with a fair, confidential and thorough investigation will be the school's aim. The school will seek to resolve malicious or unfounded allegations within one week. Where the allegation is proved to be substantiated, the Executive Headteacher will discuss this with LADO. Where a Governors disciplinary hearing is necessary, without criminal action, this should be completed within 15 working days of the decision.

16.0 Suspension

This should only be considered where there is cause to suspect a child or other children is/are at risk of significant harm or the case is so serious that there might be grounds for dismissal. If suspension is considered to be justified, this should be discussed with LADO and also include what alternatives to suspension have been considered and why they were rejected. Written confirmation to the person should be provided within one day, giving as much detail as possible for the reasons and with a named contact (with e-mail address and phone number provided), so the suspended member of staff is strongly supported. The power to suspend a member of staff lies with the Governing Body of the school and not Children's Services or the Police.

17 Options following a substantiated allegation

The school will seek to adopt a response which reflects the seriousness of the allegation. Options may include:

- greater supervision,
- redeployment within the school so member of staff does not work with the child or children, while retaining their teacher status,
- moving the child or children to another class while re-assuring the child or children that this is not a punishment or
- re-designation to a post which does not involve unsupervised access to children or a child, which may involve loss of teacher status.

18 Action on conclusion of a case

If an allegation is substantiated and the person dismissed or resigns, the Executive Headteacher will discuss with LADO whether to refer the case to the Disclosure and Barring Service (DBS) for inclusion on the barred list. There is a legal requirement on employers to do so.

Where it is decided that the member of staff can return to work, following suspension, the Headteacher will consider how best to integrate this person back into school.

19.0 Monitoring

The implementation of this guidance will be monitored by the Executive Headteacher.

20.0 Approval by Governing Body

September 2015

This policy has been formally approved and adopted by the Governing Body at a formally convened meeting.

Policy approved:

Chair of Governing Body

Date:

Review date:

End of policy statement

September 2015

Appendix 1: Contact details

Local Authority Designated Officer (LADO)

Name: Ted O'Sullivan /Carolyn Hargreaves

Phone number: Landline: 0113 247 8652

Mobile phone number: _____

e-mail address: ted.o'sullivan@leeds.gov.uk / Carolyn.hargreaves@leeds.gov.uk

Leeds Social Care Emergency Response Team (Children's Services)

Phone number: 0113 222 4403

Emergency Duty Team: 0113 240 9536