



St Matthias
ACADEMY



Managing Allegations against Staff Policy 2019-2020

Approved September 2017

Reviewed September 2019

This Policy was written following the guidance from Keeping Children Safe in Education and is updated following KCSIE updates.

- 1.1 **Allegations against staff:** St Matthias Academy has procedures for dealing with allegations against staff (and volunteers who work with children) that aim to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers from false or unfounded allegations. These procedures follow the guidance in part 4 of *Keeping Children Safe in Education (September 2019)*.
- 1.2 Suspension will not be an automatic response to an allegation. Full consideration will be given to all the options, subject to the need to ensure:
- The safety and welfare of the pupils or pupil concerned; and
 - The need for a full and fair investigation.
- 1.3 Where an allegation or complaint is made against any other member of staff or a volunteer, the matter should be reported immediately to the Head Teacher.
- 1.4 Where an allegation or complaint is made against the Head Teacher, the person receiving the allegation should immediately inform the Chair of the Academy Council, or in their absence the Vice Chair, without first notifying the Head Teacher.
- 1.5 Detailed guidance is given to staff to ensure that their behaviour and actions do not place pupils or themselves at risk of harm or of allegations of harm to a pupil. This guidance is contained in the Staff Manual. The School's policy on physical restraint is included in the behaviour policy.
- 1.6 If St Matthias Academy ceases to use the services of a member of staff (or a member of the Academy Council or volunteer) because they are unsuitable to work with children, a compromise agreement will not be used



and there will be a prompt and detailed report to the Independent Safeguarding Authority **and to the Disclosure and Barring Service if the criteria are met** (see Paragraphs 157,235 from Part 4, *Keeping Children Safe in Education (Sept 2019)*). Any such incidents will be followed by a review of the safeguarding procedures within St Matthias Academy, with a report being presented to St Matthias Academy's Academy Council without delay.

Appendix

Appendix A

235. There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. See paragraph 157.

157. Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- **the harm test is satisfied in respect of that individual;**
- **the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and**
- **the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.**⁷⁰

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation