

MY OASIS

Therapeutic Alternative Provision

Handling Allegations Policy 2024/2025

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Date of Next review: June 2025



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Introduction

My Oasis Therapeutic Alternative Provision is committed to providing the highest level of care for both students and staff. Any allegations of abuse against a teacher, any other member of staff, or volunteer in our provision will be dealt with thoroughly and efficiently, maintaining the highest level of protection for the young person whilst also giving support to the person who is the subject of the allegation.

Our policy is in line with statutory guidance from the Department of Education. This policy is designed to ensure that all staff, students and parents/carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible.

The policy outlined will help students to feel comfortable that they can voice concerns about any member of staff.

Allegations will be reported to the Head of Provision teacher immediately or to the Chair of Governors where the Head of Provision is the subject of concern. All allegations will be taken seriously and investigated immediately.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the provision's complaints procedure policy and safeguarding policy.

This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at the provision has:

- Behaved in such a way that may have harmed a young person or may have intended to harm a young person.
- Acted outside of the law in relation to dealings with a young person.

- Behaved in any way that suggests they may be unsuitable to work with young people.

Timescale

Allegations against staff are dealt with as efficiently as possible to:

- Minimise the risk to the young person.
- Minimise the impact on the young person's academic progress.
- Ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Head of Provision, Charlotte Lowe. Complaints about the Head of Provision should be reported to a Designated Safeguarding Lead, Sarah Brady or Paul Atkinson, who will then contact the local authority designated officer (LADO).

Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation, and they will wonder whether a report could jeopardise their colleague's career. Despite this, all staff must remember that the welfare of the young person is paramount and must report their concerns immediately.

The LADO will be contacted by the Head of Provision/Designated Safeguarding Lead and a discussion will take place to decide whether:

- No further actions are needed.
- A strategy discussion should take place.
- There should be immediate involvement of the police or social care.

The provision will share available information with the LADO about the allegation, the young person, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, specialist children's services, the GP and police.

LADO contact details:

Lancashire:

01772536694

LADO.Admin@lancashire.gov.uk

Wigan:

01942486042

lado@wigan.gov.uk

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that staff are entitled to use reasonable force to control or restrain young people in certain circumstances, please refer to our Positive Handling Policy for more information.

Investigation

An investigation into the allegations is normally carried out by children's social services or by the provision.

This will be agreed upon at the initial evaluation stage. Where the provision is not conducting the investigation, it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The person(s) who makes the allegation, their parents/carers and their mainstream school:

The student's mainstream school and the young person's parents/carers will be notified if their child/student makes or is involved in an allegation against staff if they do not already know. However, if the police or specialist children's services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents/carers.

The provision's Designated Safeguarding Lead is the staff member designated to the role of liaising with the mainstream school, parents/carers and young person(s) about the case and ensuring that they are fully informed as far as possible. Parents/carers and mainstream schools will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them.

This may be a disciplinary outcome.

During a disciplinary hearing, the deliberations and information used for making a decision are usually confidential, but parents/carers will be told the outcome. Social services and the police may be involved, depending on the severity of the case, and will provide the provision with advice on what type of additional support the young person may need. The provision's whistleblowing policy enables staff to raise concerns or allegations against their colleagues and for a sensitive enquiry to take place.

According to the nature of the allegation, any guarantee of confidentiality will be subject to expected standards of professional integrity for child protection.

The employee:

My Oasis Therapeutic Alternative Provision has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Head of Provision has spoken to the Chair of Governors. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation. The Head of Provision or the Designated Safeguarding Lead will keep the subject of the

allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from My Oasis. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

Confidentiality

The provision will make every effort to guard the privacy of all parties during and after an investigation into an allegation in order to ensure a fair investigation with minimum impact on all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

Suspensions

The provision will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working but is removed from the student making the allegation. If there is a concern about the welfare of the young person or other students, this will be discussed, and a risk assessment will be conducted. A suspension may be decided upon if it is deemed that the young person or other students may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Head of Provision holds the power to suspend an employee but will be advised by the police and or LADO whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the

person's cooperation. They will be given full opportunity to answer the allegation. Compromise agreements will not be used in situations which are relevant to these procedures.

Record Keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information.

This will enable the provision to:

- Provide all the necessary information for future schools/provisions if they require a reference.

Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.

- Prevent unnecessary re-investigation in the future if an allegation resurfaces. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references. Details of any allegation made by a student will be kept in the confidential section of their record.

Action on the conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the provision to the Disclosure and Barring Service. The provision will be advised on this by the police and/or social services.

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the Head of Provision and the Centre Manager will decide on the best course of action to facilitate the return to work and seek advice from the LADO where necessary. This may involve a phased

return for a trial period or the use of another member of staff as a support system in the short term. The member of staff will be provided with support, including welfare support, during their return to work. The Head of Provision and Centre Manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the provision.

Action in the case of false allegations

Where an allegation is proven to be false, the Head of Provision may refer to specialist children's services to determine whether the young person is in need of special care, or to help to understand if they are being abused elsewhere. If an allegation is found to be intentionally fictitious and malicious, the Head of Provision will decide what the proper sanction will be for the student who made the false allegation.

The provision's Behaviour Policy sets out the disciplinary action that will be taken against students who are found to have made malicious accusations against provision staff. The provision has the power to exclude students who make false claims or refer the case to the police if the provision thinks a criminal offence has been committed. If the claim has been made by a person who is not a student, the provision will hand the information over to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against staff, the provision will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

Please see the associated documents below:

- Children Act 1989.
- Education Act 2002.
- Children Act 2004.

- Data Protection Act 2018.
- UK General Data Protection Regulation (UK GDPR).
- DfE 'Keeping children safe in education'.
- DfE 'Working Together to Safeguard Children'.

Non-recent Allegations

If an adult makes an allegation to the provision that they were abused as a child, they will be advised to report the allegation to the police. Non-recent allegations made by a young person will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All students and staff will be made aware that abuse can be reported no matter how long ago it happened.

Monitoring and Review

Throughout the process of handling allegations and at the conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the Provision to determine whether there are any improvements to be made to the provision's procedures to help prevent similar events in the Future.

Equality and Diversity

My Oasis is committed to equality of opportunity for all students and staff in which people treat each other

With mutual respect, regardless of age, disability, family responsibility, marital status, race, ethnicity, nationality, religion or belief, gender, gender identity, sexual orientation or trade union activity. We strive to educate, promote and celebrate the wider diversity of society within our provision community.

Links with other policies and practices

This policy links with a number of other My Oasis policies including:

- GDPR Data Protection Policy.
- Safeguarding and Child Protection Policy.
- E-Safety Policy.
- Compliments and Complaints Policy.
- Positive Handling Policy.