



*The Diocese of Chelmsford
Vine Schools Trust
Allegations of Abuse
Against
Staff Policy*

This policy is a mandatory policy for all Vine Academies and must be implemented with no amendments.

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1. Introduction

- 1.1 The Diocese of Chelmsford Vine Schools Trust takes its responsibility of care for its children, pupils and students seriously. We recognise that any possibility that a member of staff may have hurt a pupil 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.
- 1.2 Allegations of abuse against staff should not be dealt with under the school's general complaints procedure.**
- 1.3 The allegations of abuse by staff procedures are based on the following:
- 1.3.1 [Safeguarding Children and Safer Recruitment in Education \(Statutory Guidance from 1.1.07\), Chapter 5](#)

The framework for managing cases of allegations of abuse against people who work with children is set out in:

[Working together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children \(March 2010\)](#)

and

[Dealing with allegations of abuse against teachers and other staff: Guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools. DfE October 2012](#)

Initial allegation made to the school

Any allegation of abuse of a student by a teacher must be reported to the designated school Child Protection Officer, Headteacher. 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 Child Protection Officer or if that is not possible to pass details of the allegation to the Child Protection Officer immediately.

Should the allegation be made against the Child Protection Officer then this should be brought to the attention of the Chair of Governors immediately.

Should the allegation meet any of the following criteria then the Child Protection Officer should report the allegation to the local authority designated officer the same day that the allegation is received that a teacher or member of staff or volunteer at the school has:

2. Registering a Complaint

- 2.1 Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff. However, if they have difficulty with discussing this issue with that member of staff, the complaint can be referred to another member of staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of staff can be allocated to deal with the complaint in the first instance.
- 2.2 If Local Governing Body members or Vine Central Staff are involved in a complaint at an early stage they must be made aware of the procedure to be followed for complaints and not act unilaterally outside the formal procedure.
- 2.3 If a parent or pupil felt that their initial contact with a member of staff did not deal with the concern to their satisfaction, they should complete a Complaints Form (Appendix B) and return it to the Headteacher or Chair of the LGB (if the complaint refers to the Headteacher) (contact details are available in confidence from the academy office). If the complaint concerns the Local Governing Body then the form should be returned to the Diocese of Chelmsford Vine Schools Trust (contact details can be obtained in confidence from the academy office).

3. Investigating the Complaint

- 3.1 The nature of the complaint will be clarified and unresolved issues outlined. It will be established what has happened so far and who has been involved. A meeting will be arranged to ensure all the information relating to the complaint has been documented and to find out what action the complainant feels would put things right.
- 3.2 Everyone involved in the complaint will be interviewed, accompanied by a friend or companion, if they wish, to ensure that all the facts of the complaint are understood. Notes will be kept of the discussions and all parties asked to sign the notes to show that they feel they were an accurate record of the meeting.
- 3.3 Those involved in the complaint will be encouraged to say what actions they feel would remedy the situation at any time. The Headteacher or Chair of the LGB will remain impartial during the interviews. The Headteacher will maintain a record of any formal complaints at the academy.

4. Resolving Complaints

- 4.1 Once the complaint has been fully investigated, those persons involved will be informed of the findings and suggested actions to remedy the situation.
- 4.2 Areas of agreement between the parties will be highlighted and any misunderstandings clarified to create a positive atmosphere in which to discuss outstanding issues. If, for any reason, any party involved in the complaint remains dissatisfied following any investigations, they should inform the Chair of the LGB in writing.
- 4.3 The Chair of the LGB will convene a complaints appeal panel.

5. Complaints Appeal Panel

- 4.1 If necessary, the Chair of the LGB will convene a Complaints Panel (Appendix C) consisting of three members who should not have been involved in the early stages of the complaint at least one member of the panel will be independent of the management and running of the academy

(they will elect their own Chair). A Clerk will be appointed to the panel who will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. They will aim to arrange for the panel meeting to take place within **20 working days**. They will collate any written material and send it to the parties in advance of the hearing, meet and welcome the parties as they arrive at the hearing, record the proceedings and notify all parties of the panel's decision.

- 4.2 This Complaints Panel is the last academy based stage of the complaints process. Individual complaints will not be heard by the whole LGB as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 4.3 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, members need to try and ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation. At least one member of the panel will be independent of the academies LGB.
- 4.4 The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 4.5 The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. In the event that the complainant does not feel that their complaint has been dealt with to their satisfaction by the academy they may contact the Clerk to the Board of Directors at the Academy Trust. Contact details may be obtained from the academy office at any time.
- 4.6 The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
- 4.7 The clerk will explain that you may wish to attend the meeting of the complaints review panel and that, if you wish, you may be accompanied to this meeting.
- 4.8 The headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
- 4.9 The clerk will inform you, the executive headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.

- 4.10 With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
- 4.11 The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
- 4.12 With the agreement of the chair of the panel, the headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
- 4.13 As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 4.14 In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the executive headteacher and yourself within **two weeks**. All participants other than the panel and the clerk will then leave.
- 4.15 The panel will then consider the complaint and all the evidence presented in order to:
- reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the local governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- 4.16 The clerk will send you and the executive headteacher a written statement outlining the decision of the panel within **two weeks**. The letter will explain what further recourse, beyond the local governing body, is available to you.

6. Time Limits

- 6.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits that may be set by the appointed member or Headteacher and agreed by the complainant.

7. Review of Complaints

- 7.1 The LGB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to the LGB
- 7.2 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the local governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the local governing body will be a useful tool in evaluating the academy's performance.

8. Publishing the Procedure

- 8.1 There is a legal requirement for this Complaints Procedures to be publicised. Each Academy will include this information on the academy website. A copy will also be included in the Policy File held in the academy office.

9. Review

- 9.1 There will be an annual review of this policy by the Trust Board.
9.2 The next review will be Spring 2017

Appendix A

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

Appendix B

COMPLAINTS FORM

Please complete and return to the Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Appendix C

Complaints Appeal Panel Procedure

The complaints panel will consist of 3 trust appointees who have no prior knowledge of the case. At least one member of the panel will be independent of the management and running of the academy (they will elect their own Chair). The panel will have a clerk who shall play no part in the decision making process.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school. These should be received from both parties 10 days before the hearing and shared with both parties 5 days before the hearing.

The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) will be invited to attend the panel hearing in order to clarify the matter.

The panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will do so separately.

- The panel chair makes the introductions and outlines the proceedings. The chair of the panel has the discretion to adjourn the hearing where new information is introduced – or for other reasons.
- The complainant is invited to explain the complaint, followed by their witnesses.
- The panel may question both the complainant and their witnesses.
- The complainant is asked to sum up the complaint.
- The headteacher is then invited to explain the school's action and be followed by any school witnesses.
- The panel may question both the headteacher and the witnesses.
- The headteacher is asked to sum up the school's action and response to the complainant.

The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The governing body panel is the last school-based stage in the complaints process. The diocese of Chelmsford Vine Schools Trust have no further complaints procedures.