

All Saints' C of E Junior and Emscote Infant School Managing Allegations of Abuse against Teachers and other Staff Policy

Introduction

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Thus, the procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy. All schools should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations will be reported straight away, to the Head Teacher, or to the Chair of Governors in cases where the Head is the subject of the allegation or concern. All Saints' C of E and Emscote Infant Schools adopt the Government guidance - "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children", which sets out the framework for managing cases of allegations of abuse against people who work with children.

Purpose

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and child protection procedures will be followed alongside this policy. This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has;

- behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for definition of harm);
- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children. This will include cases of verbal abuse. There may be up to 3 strands in the consideration of an allegation:
 - a police investigation of a possible criminal offence;
 - enquiries and assessment by children's social care about whether a child is in need
 - of protection or in need of services;
 - consideration by the school of disciplinary action in respect of the individual.

Supporting Those Involved

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. N. B. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Chair of Governors to consider what support the child or children involved may need. The Chair of Governors will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Chair of Governors will also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

Resignations and “Compromise Agreements”

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the person concerned refuses to cooperate with the process. Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate. Similarly, so called “compromise agreements” by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to List 99 where circumstances require that.

Record Keeping

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained for a period of 15 years from the date of the allegation. This record will be held by the Chair of Governors.

Timescales

It is in everyone’s interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

Initial Considerations

The Head Teacher should inform the accused person about the allegation as soon as possible after consulting the Chair of Governors. However, where a strategy discussion is needed, or police or children’s social care may need to be involved, the Head will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset. If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Chair of Governors with appropriate agencies, such as the police and social services. In cases where a formal strategy discussion is not considered appropriate because the threshold of “significant harm” is not reached, but a police investigation might be needed, the Chair of Governors will consult with the police, the Head, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (N.B. The police must be consulted about any case in which a criminal offence may have been committed.) If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996. DfES guidance about that can be found at:

http://www.dfes.gov.uk/publications/guidanceonthelaw/10_98/summary.htm If the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that is the case, the Chair of

Governors will discuss next steps with the Head Teacher. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

Suspension

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought. The power to suspend is vested in the Head Teacher and the Governors. However, they will canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

Action on Conclusion of a Case

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Chair of Governors should discuss with the Head Teacher whether a referral to The Department for Schools Children and Families for consideration of List 99 action or by the GTC is required, or advisable. Referrals for inclusion on List 99 should be made to: The Department for Schools Children and Families Children's Safeguarding Unit, Saltisford Office Park Ansell Way Warwick Any queries about List 99 referrals can be made to Front Door or LADO Tel: 01926 410410. In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the school will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

Action in Respect of False Allegations

If an allegation is determined to be false, the Chair of Governors will refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

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