



**Moordown St John's CE Primary School**

# **Policy for Dealing with Allegations of Abuse**

**"A Christian community where commitment  
to educational excellence changes lives"**

**Article 3:** The best interests of the child must be top priority in all things that affect children.

**Article 19:** Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

**Article 34:** Governments must protect children from sexual abuse and exploitation.

**Article 37:** No child shall be tortured or suffer other cruel treatment or punishment....

**Date Approved and Signed by Directors:** 19 October 2016

**Review Date:** March 2019

**A copy of this policy in large print is available on request  
from the school office.**

# Moordown St John's CE Primary School

## Dealing With Allegations of Abuse Against Teachers and Other Staff/Volunteers

### RATIONALE

As a Church of England Primary School, we seek to further the work of Christ by expecting, nurturing and demonstrating the Fruits of the Spirit (Galatians 5) in our day to day lives. The Fruits of the Spirit include Love, Joy, Peace, Goodness, Kindness, Patience, Gentleness, Faithfulness and Self-control.

At Moordown St. John's we also aim to honour and fulfil the United Nations Convention on the Rights of the Child.

'Rights' are things every child should have or be able to do. All children have the same rights. These rights are listed in the UN Convention on the Rights of the Child. Almost every country has agreed to these rights. All the rights are connected to each other, and all are equally important. Sometimes, we have to think about rights in terms of what is best for children in a situation, and what is critical to life and protection from harm. As children grow, they have more responsibility to make choices and exercise their rights.

This policy refers directly to the following articles:

**Article 3:** The best interests of the child must be top priority in all actions concerning children.

**Article 19:** Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

**Article 34:** Governments must protect children from sexual abuse and exploitation.

**Article 37:** No child shall be tortured or suffer other cruel treatment or punishment....

### **S U C C E S S**

**SUCCESS** (Skills, Understanding, Creativity, Curiosity, Enjoyment, Spirituality, Security) is at the centre of our school's ethos and identity.

**S** – **Skills** that embed knowledge for a life full of learning and healthy relationships

**U** – **Understanding** how knowledge and concepts can be applied and built upon to achieve deep learning

**C** – **Creativity** to use skills and knowledge imaginatively to express oneself and solve problems

**C** – **Curiosity** to explore, investigate and understand the world

**E** – **Enjoyment** of life and of learning

**S** – **Spirituality** where faith is nourished, respected, challenged and lived

**S** – **Security** in themselves and who they are to reach their full potential

## **Introduction**

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer 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 Headteacher or to the Chair of the Board of Directors in cases where the Headteacher is the subject of the allegation or concern.

## **Purpose**

This policy will be adopted in respect of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

There may be up to 3 strands in the consideration of an allegation:

- 1 a police investigation of a possible criminal offence;
- 2 enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- 3 consideration by the School of disciplinary action in respect of the individual.

The guidance relates to members of staff/volunteers who are currently working in our school regardless of whether this is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse will also be referred to the police.

The School's complaints and child protection procedures will be followed alongside this policy.

## **Confidentiality**

It is extremely important that when an allegation is made, the school will make every effort to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

The Education Act 2002 (subsequently 2011) introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State

sales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited.

“Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).

### **Resignations and “Settlement 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 “settlement 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, must not be used in child protection or safeguarding cases. 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 the Disclosure and Barring Service and the Department for Education where circumstances require that.

### **Record Keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However for all other allegations, 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 DBS 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 should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

### **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 unnecessary delay.

The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

### **Initial considerations**

The Headteacher (or Chair of Board of Directors) should inform the accused person about the allegation as soon as possible. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the Headteacher 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 Headteacher 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 Headteacher or Chair of the Board of Directors will consult with the police, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (NB. 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 students in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996.

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 Headteacher or Chair of Board of Directors will decide on the next steps. 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 dismissal or a decision not to use the person's services in future.

The following definitions will be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made; the person making the allegation misinterpreted the incident or was mistaken about what they saw or may not have been aware of all the circumstances.

### **Supporting those involved**

It is essential that any allegation is dealt with 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.

We have a duty of care to our employees ~ we will ensure we provide effective support for anyone facing an allegation. The Headteacher or Chair of the Board of Directors will keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate eg access to welfare counselling, occupational health support. If the person is suspended, the individual will be informed about developments. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset. The HR Advisor must always be involved if this is the case.

Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

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. NB. 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 may be told that the process has been followed.

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 Headteacher or Chair of Board of Directors to consider what support the child or children involved may need.

Parents and carers should be told of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section

141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

## **Suspension**

Keeping Children Safe in Education 2016 gives clear guidance on the approach that should be taken when considering whether or not an individual against whom an allegation has been made should be suspended.

Suspension will be considered in any case where there is cause to suspect a child may be 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 HR Adviser must always be involved at this stage.

The power to suspend is vested in the Headteacher. However, he will always seek police/social care and HR views about whether the accused member of staff needs to be suspended from contact with children, to inform the School's consideration of suspension.

Based on assessment of risk, the following alternatives may be considered before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school within the academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Headteacher or Chair of Board of Directors will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

## **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 or her services, the Chair of the Board of Directors should discuss with the Headteacher and their HR adviser whether a referral to the Disclosure and Barring Service is required or advisable. Referrals if appropriate will be made by the HR Adviser.

**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.**

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 Headteacher 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 Headteacher 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.

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

### **Learning lessons**

At the conclusion of a case in which an allegation *is* substantiated, the Chair of the Board of Directors will review the circumstances of the case with the Headteacher to determine whether there are any improvements to be made to the school procedures or practice to help prevent similar events in the future.

### **Policy Review**

This policy was carefully considered and ratified by the Effective Resources Working Group at its meeting on 19 October 2016

This policy will be due for review in March 2019. The review will be brought forward should earlier changes in protocol be recommended by the Local Children's Safeguarding Board, the Department for Education, the Local Authority or the Diocese.

Signed: *Phil Cherrett*

Date 19 October 2016

**Chair, Effective Resources Working Group**