

## ANNEX 44

### POLICY AND PROCEDURES FOR WHEN A MEMBER OF STAFF, VOLUNTEER, CHILD PROTECTION OFFICER OR HEAD FACES ALLEGATIONS OF ABUSE

#### References:

- A. Safeguarding Children and Safer Recruitment in Education (DfES Reference 04217-2006BKT-EN dated November 2006. Copies held by Head, Bursar and CPO):
  - Chapter 5 - Dealing with Allegations of Abuse against Teachers and Other Staff
  - Annex 10 – Reporting Individuals to the Secretary of State.
- B: Reference Guide to the key standards in each type of social care service inspected by Ofsted (Reference 080117) [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- C. ISI Handbook for the Inspection of Schools: Regulatory Requirements (Sep 2010)
- D “The Early Years Foundation Stage: Statutory Framework 2008” ([www.teachernet.gov.uk](http://www.teachernet.gov.uk))
- E. “Managing the Aftermath of Unfounded and Unsubstantiated Allegations” IRSC Guidance 2005. ([www.teachernet.gov.uk](http://www.teachernet.gov.uk))
- F. “Every Child Matters: Change for Children in Schools” DCSF guidance, 2005.
- G. SCIS: “Child Protection Guidelines “June 2006 ([www.scis.org.uk](http://www.scis.org.uk))
- H. Staff Subject to Allegations – Thresholds for and Alternatives to Suspension” IRSC guidance ([www.teachernet.gov.uk](http://www.teachernet.gov.uk))
- I. “School Staff as Police Officers”: An ISBA briefing document by Farrer & Co, Oct 2006
- J. “Handling Allegations of Abuse against Adults who work with Children and Young People” DCSF, May 2009 ([www.dcsf.gov.uk](http://www.dcsf.gov.uk))

#### Introduction

Allegations that a member of staff has abused a pupil or pupils either inside the school premises or during a school trip or visit could be made by:

- Parents
- The abused pupil
- Other members of staff
- Other pupils
- The Police or Social Services
- A third party.

A member of staff includes teachers, support staff, peripatetic staff, volunteers and students/gappers and the allegations will be that the member of staff 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 such a way that indicates that he or she is unsuitable to work with children.

An allegation of such seriousness would normally be made directly to the Head but if another member of staff is told first, he/she will ensure that the Head is informed immediately.

If the Head is unavailable, the Deputy Head (who is also the Child Protection Officer) and Chairman of Governors should be told at once. If the allegation concerns the Head, the person receiving the allegation should immediately inform the Chairman of Governors without notifying the Head first. In cases of serious harm, the police should be informed from the outset.

Child abuse can occur through neglect or emotional, physical, or sexual abuse. The signs of child abuse and procedures for dealing with suspected cases of abuse are covered in the Child Protection Policy (CPP) at Annex 9.

## **The First Response**

We will respond promptly and sensitively to the legitimate concerns of the victim and his or her family and undertake to:

- Take any allegation of abuse, involving a member of staff, very seriously,
- Establish the facts before jumping to any conclusion,
- Involve the Local Safeguarding Children Board (LSCB), within 24 hours of a disclosure or suspicion of abuse
- Inform the member of staff concerned honestly of the allegation that has been made, and advise him or her to contact their Trade Union or Professional Association for advice and support,
- Inform the child's parents in confidence, inviting them to maintain confidentiality whilst the investigation takes place, unless the allegation involves the parents, in which case we will contact the Social Services before making contact.

Our policy is that the child's welfare is paramount, though we must pay due regard to the rights and welfare of the staff member also, remembering that false accusations do happen. Unless there is a suspicion that the child might be in acute physical danger, precipitate action should be avoided.

## **The Next Step**

Although a formal investigation is a matter for specialists, where the facts suggest that there may be reasonable grounds for suspecting actual abuse, or grooming of a child, or other criminal behaviour, we will always:

- Invite the police to conduct the investigation,
- Consider suspending the member of staff (or volunteer) concerned.

## **Support for the Pupil**

Our priority is to safeguard the young people in our care. We will give all the support that we can to a pupil who has been abused. The Head, together with the Deputy Head / CPO, will consider how best to support and monitor the pupil concerned through any process of investigation, liaising closely with parents, guardians, Local Safeguarding Children Board (LSCB), or other agencies involved to identify the support strategies that will be appropriate.

## **Suspension**

Suspension of a member of staff is a neutral act and does not imply that any judgement has been reached about his or her conduct. Even so, it is a serious step, and we will take legal advice beforehand, and will normally only suspend a member of staff where:

- There is a serious risk of harm (or further harm) to the child,
- The allegations are so serious as to constitute grounds for dismissal, if proven,
- The police are investigating allegations of criminal misconduct.

We recognise fully that we have a duty of care towards all of our staff, and will always:

- Keep an open mind until a conclusion has been reached.
- Interview a member of staff before suspending him or her.
- Keep him or her informed of progress of the investigation.

Any member of staff who is invited to a meeting whose outcome is likely to result in his or her suspension, is entitled to be accompanied by a friend or Trade Union representative.

Boarding, or other accommodated staff, who are suspended will be required to remain off-site for the duration of their suspension and will be provided with alternative accommodation away from children.

## **Alternatives to Suspension**

We will always consider whether an alternative to suspension might be appropriate. Possibilities include:

- Sending the member of staff on leave,
- Giving him or her non-contact duties,
- Ensuring that a second adult is always present in the classroom when he or she teaches.

The following points should be borne in mind:

- As in other cases of allegations of abuse, those made against a member of staff must be listened to carefully and a written record made of the conversation. It is important that a clear and comprehensive summary of any allegations and how those allegations were followed up should be maintained. A note of action taken should be kept on the member of staff's personal file and he or she should be given a copy.
- The Head will discuss the allegation with the person who brought the information. If it is a child or children he will interview them according to the guidelines in the CPP. The Head/CPO should make a clear written record of what has been said or observed – including time, setting, people present and behaviour observed.
- The Head/CPO should also interview the member of staff involved to ascertain whether, on first examination, there is a case of abuse. The member of staff should be advised from the start that there is a serious allegation and they are entitled to have representation. The interview should be terminated for the time being to allow the member of staff to contact a friend to attend the interview and/or to take advice from their professional body/union/solicitor. Full records must be kept.

Note: in certain situations a strategy discussion with care services and/or the police may have to take place first.

- The member of staff may not feel it necessary to have a representative with them at this stage. However, if the Head or the member of staff feels at any stage that this would be appropriate, then the interview should be suspended to allow the member of staff the chance to gain representation.
- When the member of staff has had this opportunity, they should be interviewed again. The Head/CPO will then want time to reflect on what to do next.
- At this stage the member of staff must not be allowed to come into contact with other members of staff or children. They should remain in a separate room, or be escorted off the premises. The explanation to all other staff and children is that the member of staff in question has had to go home because of ill-health or for personal reasons.
- In all cases it is vital to stress that this information should go no further and cannot be discussed with anyone else apart from the CPO. Every effort should be made to maintain confidentiality and guard against unwanted publicity while the allegation is being investigated and considered.

## **What to do next**

The Head (or Chairman of Governors) will decide with the advice of the CPO whether there is sufficient substance in the allegation to merit its referral to the child protection agencies for investigation.

- a. If this is the case then the Head/CPO will phone the Local Authority Designated Officer (LADO), (01323 466606). This should be done within 24 hours of a disclosure or suspicion of abuse. At this stage it would be advisable to contact the IAPS (01926 887833) or similar professional body to take advice.

- b. If there is reason to suspect that the child is suffering or likely to suffer significant harm, a strategy discussion will be needed (in accordance with para 5.54 of Working together to Safeguard Children).
- c. If a strategy discussion is not deemed necessary because the threshold of 'significant harm' has not been reached, but a police investigation may be needed, a similar discussion should take place between the police, care services and the school. They will decide how the allegation should be evaluated and how to proceed.

Note: in cases where a criminal offence may have been committed the police must be consulted. In this case, there will be an evaluation about whether a disciplinary process can proceed at the same time as a criminal process. It may be that the disciplinary process has to wait until after the completion of police enquiries and/or prosecution.

- d. If the allegation involves physical contact, due consideration must be given as to whether the member of staff used reasonable force to restrain the pupil(s), in dealing with disruptive behaviour (see Physical Restraint Policy at Annex 10). For example, if the allegation was prompted by inappropriate behaviour which should be considered under the school's disciplinary procedures rather than referral, an investigation by the police or social care is not necessary.
- e. The allegation is demonstrably false and without foundation and requires neither disciplinary action nor referral.

Even less serious allegations need to be followed up and treated seriously and should be examined objectively by someone independent of the school. Therefore, it is always advisable to consult the care services for guidance. The end result might range from taking no further action, to summary dismissal or a decision not to use the person's services in the future.

### **Monitoring progress**

The Head should regularly monitor progress either through strategy discussions or direct liaison with the police or care services. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

The police will also set target dates for review, which will enable the school to plan ahead.

### **Sharing information during and after the investigation**

In the discussions and initial evaluation, all the agencies should share all relevant information about both the alleged victim and also the subject of the allegation.

The police may need consent from individuals to share statements and evidence with the school for disciplinary purposes. Children's social care services should do the same, so that information relevant to a disciplinary case can be passed to the school without delay.

The police or CPS will inform the school when a criminal investigation and/or trial is complete or if an investigation is closed or if no prosecution is to take place.

In these latter circumstances, the information provided by the police and care services will help inform the Head and Chairman of Governors about what disciplinary action is appropriate.

### **Handling Unfounded or Unsubstantiated Allegations**

#### **a. The Child**

A child who has been the centre of unfounded or unsubstantiated allegations of child abuse needs professional help in dealing with the aftermath. We will liaise closely with the LSCB to set up a professional programme that best meets his or her needs, which may involve the Adolescent Mental Health Services and an Educational Psychologist, as well as support from

the School Counsellor. We shall be mindful of the possibility that the allegation of abuse was an act of displacement, masking abuse that is actually occurring within the child's own family and/or community.

However much support the child may need in such circumstances; we need to be sensitive to the possibility that the aftermath of an unfounded allegation of abuse may result in the irretrievable breakdown of the relationship with the teacher. In such circumstances, we may conclude that it is in the child's best interests to move to another school. We would do our best to help him/her to achieve as smooth a transition as possible, working closely with the parents or guardians.

b. The Member of Staff

A member of staff could be left at the end of an unfounded or unsubstantiated allegation of child abuse with severely diminished self-esteem, feeling isolated and vulnerable, all too conscious that colleagues might shun him/her on the grounds of "no smoke without fire". If issues of professional competency are involved, and though acquitted of child abuse, disciplinary issues are raised; we recognise that he or she is likely to need both professional and emotional help. We will undertake to arrange a mentoring programme in such circumstances, together with professional counselling outside the school community. A short sabbatical or period of re-training may be appropriate.

### **If The Member of Staff Resigns**

The resignation of a member of staff or volunteer mid-way through an investigation would not lead to the investigation being abandoned. Our policy is always to complete every investigation into allegations of child abuse.

### **Compromise Agreements**

Our policy is to follow the DCSF guidance set out in "Safeguarding Children and Safer Recruitment in Education" on the use of compromise agreements in cases of child abuse, namely that:

*"Compromise agreements, by which a person agrees to resign, and a 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 these cases.** In any case, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to List 99 [now the ISA] where circumstances require it"*

### **Length of Investigatory Process**

We recognise that everyone's interests are served by completing any investigatory process as swiftly as possible. Vinehall is a small community and we will aim to spend as little time as is compatible with fair and impartial processes on the investigatory process. We would expect almost every case to be completed within one month.

The suggested timetable for an investigation is as follows:

- a. Having become aware of an allegation against a member of staff, the Head should refer it to the LADO within 24 Hours.
- b. A meeting involving the school, Social Care Services, Police and the LADO should then follow within 48 hours.
- c. If it is decided that the matter need not be investigated by the Police or Social Services, and should just be referred back to the school for appropriate action, such action should be taken within **three** working days.
- d. If a disciplinary hearing is required and can be held without further investigation, it should take place within **fifteen** working days.

- e. If investigation is needed, then that should be organised by the Head and then presented to the Chairman of Governors within **ten** working days.
- f. Within **two** days, the Chairman should decide whether a disciplinary hearing is needed. If necessary, this should occur within **fifteen** working days.

### **Referral to the Secretary of State / Independent Safeguarding Authority**

If the allegation was substantiated and the person dismissed, or the school ceases to use that person's services OR if the person resigns and ceases to provide his/her services then the Head and Chairman of the Governors should consult the LADO about whether a referral to DfE is required. If a referral is appropriate the report should be made within one month. See Appendix 10 of Reference A (above) for guidance on reporting individuals to the Secretary of State.

Like all schools, we have a statutory legal duty to refer an individual, where there is the risk that he or she may harm, or has caused harm to children, to the Independent Safeguarding Authority (ISA) within one month of the individual's dismissal or resignation because he or she has been considered unsuitable to work with children. Reports concerning members of staff or volunteers are normally made by the CPO. If the CPO is involved, the report is made by the Head. If the Head is involved, the report is made by the Chairman of Governors.

In the above context, ceasing to use a person's services includes: dismissal; non-renewal of a fixed term contract; no longer engaging/refusing to engage a supply teacher provided by an employment agency; terminating the placement of a trainee teacher or other trainee; no longer using staff employed by contractors; no longer using volunteers; resignation, and voluntary withdrawal from supply teaching, contract working, a course of initial teacher training, or volunteering.

It is important that reports include as much evidence about the circumstances as possible. The referral form can be downloaded from the ISA website on ([www.isa-gov.org.uk](http://www.isa-gov.org.uk)) and the address for referrals is PO Box 181, Darlington, DL1 9FA (tel 0300 123 1111). Failure to make a report constitutes an offence and the school may be removed from the DfE register of independent schools.

The school plays no part in the subsequent process of barring individuals from working with children and/or vulnerable adults. We also have a legal duty to respond to any requests for information that we receive from the ISA at any time.

### **Supporting those Involved**

Parents or carers of the child or children involved will be told as soon as possible about the allegations. They will be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. This will include the outcome of any disciplinary process. Deliberations and information used in the disciplinary hearings cannot normally be disclosed but the parents or carers should be told the outcome.

If a child has suffered significant harm or there may be a criminal prosecution, then the police or social care will consider the best support for the child or children and the school will offer every support it can.

The member of staff involved is also to be kept informed of the progress of the case. If that person has been suspended then they should be kept informed about developments at school.

### **Dealing with the Press**

Sometimes allegations of abuse are picked up by the press and the school might be contacted. This could occur in circumstances where abuse has happened either outside Vinehall or at the school. Follow the guidelines in the Crisis Management Procedures (Annex 8) for dealing with the press. It is vital in cases of abuse to make no comment and to contact the school solicitor. The press should be given the number of the school solicitor and the Chairman of the Governors.

## **Informing Parents, Staff and Governors**

Parents will almost certainly hear rumours very quickly. In order to allay their fears it is advisable to write to all parents within 24 hours, explaining the problem and the action taken. There will be a number of details which cannot be revealed for legal reasons. The draft letter should be seen by the Chairman of Governors and the school solicitor. Again, take advice from IAPS.

Staff will need to receive the same information but given during a meeting. This should be called as soon as is reasonably possible. Any implications can then be discussed and the school's approach to the problem can be explained. The staff and governors should receive information ahead of notification to parents.

Governors should receive a letter but where possible should be contacted as soon as possible by phone as they may receive approaches from parents and the press.

Regular information should be provided, subject to legal constraints.

## **Recording Allegations of Abuse**

We will record all allegations of abuse, and our subsequent actions, including any disciplinary actions, on an individual's file. A copy will be given to the individual and he or she will be told that the record will be retained until he or she reaches statutory retirement age, or for ten years, if that is longer.

The records exist as a basis for accurate information needed for references, if the member of staff has moved on and can be used to provide clarification should a future CRB check reveal information from the police about an allegation which did not result in a criminal prosecution. The records will also help prevent unnecessary reinvestigation, should allegations re-surface after a period of time.

## **Anonymous Allegations**

If we are faced with an anonymous allegation of child abuse which names both a member of staff and a child, we will handle it in exactly the same way as if we knew the identity of the person making the allegation. We will report the matter to the Local Safeguarding Children Board (LSCB) and be guided by them in our handling of the allegation. Where the allegation names the member of staff; but not the pupil, we will normally interview the member of staff, and ask for his or her version of events, unless the LSCB has advised a different course of action. It could be appropriate to establish a mentoring or review programme for that individual, or to provide him or her with further training. A record would normally be kept.

## **Allegation of Abuse of a Child Who Is Not a Pupil at the School**

If we were given information that suggested that a member of staff was abusing a child who was not a pupil at Vinehall, we would immediately pass such information to the Local Safeguarding Children Board (LSCB) to handle. We would then interview the member of staff and formally advise him/her of the allegations, making it clear that the school would not play any part in the investigatory process. He or she would be advised of the possibility of facing suspension, re-assignment to other duties etc in exactly the same way as if the allegation had involved a school pupil. If the allegation subsequently proved to be unfounded, he or she would be given full support by the school in resuming his/her career.

## **Allegations Involving the Head or Child Protection Officer**

The Chairman of Governors should be told at once by the Deputy Head or Child Protection Officer of any allegation involving the Head. He will obtain legal advice before proceeding to the steps outlined above. The Head will normally be suspended for the duration of the investigatory process and asked to vacate his school residence, and the Deputy Head will be made acting Head until the conclusion of the investigation and resolution of the issue.

The Head should similarly be told at once of any allegation involving the CPO. The Chairman of Governors should normally be informed on the same day, and legal advice obtained. The CPO will

normally be suspended for the duration of the investigatory process. The Head or member of the SMT should be made acting CPO until the conclusion of the investigation and resolution of the issue.

### **Learning Lessons**

At the end of the process the Head will conduct discussions to check on procedures and to review all documentation in the light of the events.

#### Related Documents:

1. Child Protection Policy
2. Checking Employees, Temporary Workers, Supply Staff, Governors, Proprietors, Volunteer Helpers and Contractors
3. Induction of New Staff, Governors and Volunteers in Child Protection
4. Interaction with Pupils: Code of Conduct for Staff
5. Policy for Pupils on Confidentiality
6. Use of ICT, Mobile Phones and Other Electronic Devices
7. Taking, Storing and Using Images of Children