



# FERRYHILL SCHOOL

## ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

*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.*

*THIS POLICY AND GUIDANCE COMPLIES WITH THE FRAMEWORK GUIDANCE ABOUT MANAGING CASES OF ALLEGATIONS OF ABUSE AGAINST PEOPLE WHO WORK WITH CHILDREN THAT WILL BE SET OUT IN CHAPTER 5 OF "SAFEGUARDING CHILDREN AND SAFER RECRUITMENT IN EDUCATION" (DCSF JANUARY 2007).*

## 1. INTRODUCTION

This guidance is about managing cases of allegations that might indicate that a person is unsuitable to continue to work 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 of Ferryhill School (including a volunteer) 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/she is unsuitable to work with children.

All allegations should be reported straight away. This includes if a member of staff receives an allegation against another member of staff or if they themselves have concerns about the behaviour of another member of staff. The allegation should be reported normally to the Head of School. Should the Head of School be the subject of the allegation or concern the Chair of Governors is to be informed.

The allegation should be informally investigated in the first instance by the Head of School or by a person nominated by the Head of School. Should the allegation have any substance, the Head of School is to inform the Local Authority Designated Officer (LADO) on 03000 260000 and seek advice on further actions. The incident should also be reported directly to Social Care Direct on 03000 267 979.

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.

Some cases will also need to be reported to DCSF for consideration of including the person on List 99, or consideration by the General Teaching Council (GTC) about possible sanctions against an individual.

## **2. SUPPORTING THOSE INVOLVED**

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. They should 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 should be told the outcome.

The Head of School will ensure the person who is the subject of the allegations is informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the school should also keep the individual informed about developments at school. If the person is a member of a union or professional association, he/she should be advised to contact that body at the outset.

## **3. CONFIDENTIALITY**

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

## **4. RESIGNATIONS AND “COMPROMISE AGREEMENTS”**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is 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 should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

“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, must not be used in these cases. In any event, 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 where circumstances require that.

## **5. RECORD KEEPING**

It is important that 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, is kept on a person’s confidential personnel file and a copy provided to the person concerned. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## **6. TIMESCALES**

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

## **7. INITIAL CONSIDERATIONS**

The procedures need to be applied with common sense and judgement. In rare cases, allegations will be so serious as to require immediate intervention by children’s social care and/or police. Others that meet the criteria in paragraph 1 may seem much less serious and on the face of it will not warrant consideration of a police investigation, or enquiries by children’s social care.

The Head of School’s first step will be to confirm details of the allegation and establish that it is not demonstrably false or unfounded. If the parents/carers of the child concerned are not already aware of the allegation they must be made aware. In circumstances in which the police or social care may need to be involved, the Head of School should consider how best to inform parents. However, in some circumstances the Head of School may need to advise parents of an incident involving their child straight away, for example if the child has been injured while at school, or in a school related activity and requires medical treatment.

The Head of School should inform the accused person about the allegation as soon as possible after consulting the LA designated officer. If the person is a member of a union

or professional association he/she should be advised to contact that organisation at the outset.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should 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. DCSF guidance about that can be found at:

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

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 initial evaluation decides that is the case, the Head of School should consider the options open to the school dependant on the nature and circumstances of the allegation and the evidence and information available, which will range from taking no further action to summary dismissal by the relevant governing body committee or a decision not to use the person's services in future.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the Head of School will consider how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator. The Head of School is to discuss with the LADO an appropriate person to complete the investigation.

## **8. SUSPENSION**

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed – in respect of the child(ren) involved in the allegations and any other children in the individual's home, work or community life. In some cases, that will require the school to consider suspending the person until the case is resolved.

Suspension should 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 must not be suspended automatically, or without careful thought. The Head of School must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved and may wish to seek advice from their personnel adviser. Schools should also consider whether the

result that would be achieved by suspension could be obtained by alternative arrangements.

The power to suspend is vested in the Head of School and the Governing Body of the school.

## **9. MONITORING PROGRESS**

The Head of School is to maintain contact with the LADO during the progression of the case.

## **10. INFORMATION SHARING**

In a strategy discussion or the initial evaluation of the case the agencies concerned should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded. That will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

## **11. ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION**

The police or the Crown Prosecution Service (CPS) should inform the school when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances, the LA designated officer should discuss whether any further action, including disciplinary action is appropriate and, if so, how to proceed. The information provided by the police and or children's social care should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## **12. 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 his/her services, the Head of School should discuss with the local authority whether a referral to DCSF for consideration of List 99 action or by the GTC is required, or advisable and the form and content of a referral.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the Head of School should consider how best to facilitate that. The Head of School should 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.

### **13. LEARNING LESSONS**

At the conclusion of a case in which an allegation is substantiated the Head of School should review the circumstances of the case to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

### **14. ACTION IN RESPECT OF FALSE ALLEGATIONS**

In the event that an allegation is shown to have been deliberately invented or malicious, the Head of School should 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 he/she was not a pupil.

### **SUMMARY OF PROCESS**

#### **ALLEGATION MADE TO SCHOOL OR AN EMPLOYEE OF THE SCHOOL OR MADE BY AN EMPLOYEE**

1. The allegation should be reported to the Head of School immediately unless the allegation is about the Head in which case it should be reported to the Chair of Governors.
2. If the allegation meets any of the criteria set out in paragraph 1 the Head of School should report it to the LA designated officer or his/her representative the same day.
3. The Head of School will discuss the matter with the LA designated officer and where necessary obtain further details of the allegation and the circumstances in which it was made. The Head should not investigate the allegation at this stage. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.
4. If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm or has been injured the Head of school will immediately refer the incident to Social Care Direct.
5. If there is not cause to suspect that "significant harm" is an issue, but criminal offence might have been committed, the Head of School should immediately inform the police.

6. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Head of School to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Head of School should institute appropriate action **within 3 working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **in accordance with the schools Discipline and Grievance procedures**.
7. Where further investigation is required to inform consideration of disciplinary action the Head of School should decide who will undertake that. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. In any case the investigating officer should aim to provide a report to the Head of School **in accordance with the schools Discipline and Grievance procedures**
8. On receipt of the report of the disciplinary investigation, the Head of School will decide whether a disciplinary hearing is needed **within 2 working days**. If a hearing is needed, it should be held **in accordance with the schools Discipline and Grievance procedures as soon as possible**.
9. In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Head should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
10. The Head of School should continue to liaise with the LADO to monitor progress of the case and receive advice /support when required/requested.
11. If a criminal investigation is required, the school investigation will not take place until the police investigation is complete.
12. If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the Head of School will nominate an investigating officer and initiate an investigation that incorporates information from the police investigation.
13. If the person is convicted of an offence the police should also inform the school straight away so that appropriate action can be taken.
14. If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his/her services, the Head of School will consult the LA designated officer about whether a referral to DCSF or to the GTC is required.



