



STEP Academy Trust

Guidance for Dealing with Allegation of Abuse against Teachers and other Staff

DATE OF POLICY: MARCH 2014

The aims of this guidance

To ensure that any allegation made against a teacher or other member of staff or volunteer in an education setting (including the independent sector) is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.

Legislation

This guidance is based on:

- ‘Safeguarding Children and Safer Recruitment in Education’ and relates to s157 and s175 of the Education Act 2002.
- London Child Protection Procedures, 2007

Section 175 of the Education Act 2002 – requires local education authorities and the governing bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. In addition, those bodies must have regard to any guidance issued by the Secretary of State in considering what arrangements they need to make for the purpose of that section;

Section 157 of the Education Act 2002 and The Education (Independent Schools Standards) (England) Regulations 2003 – require proprietors of independent schools (including academies and city technology colleges) to have arrangements to safeguard and promote the welfare of children who are pupils at the school;

The Non-Maintained Special Schools Regulations 1999 – require the governing bodies of non-maintained special schools to make arrangements for safeguarding and promoting the health, safety and welfare of pupils at the school as approved by the Secretary of State;

Procedures

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 if they themselves have concerns about the behaviour of another member of staff.

The Person responsible for dealing with allegation of abuse against teachers and staff is the **head teacher**.

If the allegation is against the head teacher, the person responsible is the **chair of governors**

The school’s policy & procedures document should include the contact details of the chair of governors **(see Appendix 1)**

It is important to ensure that all allegations are examined objectively by someone independent of the school/college. Consequently, the local authority designated Officer, LADO (education) will be informed of allegations that come to the school’s attention and appear to meet the following criteria.

It is alleged that a teacher or a member of staff (including a volunteer) in a school, FE college or other education establishment that provide education for children under 18 years of age 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 s/he is unsuitable to work with children.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect).

These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (ss16-19 Sexual Offences Act 2003).
- ‘Grooming’, i.e. meeting a child under 16 with intent to commit a relevant offence (s15 *Sexual Offences Act 2003*);
- Other ‘grooming’ behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);
- Possession of indecent photographs / pseudo-photographs of children.

The parent/s and the child should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The head teacher/chair of governors should seek advice from the education LADO, the police and / or LA children’s social care about how much information should be disclosed to the accused person.

The head teacher should record the details of the allegation **without conducting an investigation** because it may prejudice any subsequent investigations that may be needed by the police or social care professionals.

The headteacher needs to establish if there are any witnesses to the incident and if any injuries may have resulted to anyone concerned. **Statements** should be taken from all concerned.

There may be up to three 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 or FE college of disciplinary action in respect of the individual.

Where a strategy discussion is needed, (police / children's social care may need to be involved), **the head/chair of governors will not discuss with the accused until those agencies have been consulted, and have agreed what information can be disclosed to the person.** Informing the accused may jeopardise an investigation by the police where they suspect that a criminal offence may have been committed.

If the person is a member of a union or professional association s/he should be advised to contact that organisation for support and advice after the strategy discussion.

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 and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behavior, under s550A of the Education Act 1996.

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
- The allegation is so serious that it might be grounds for dismissal.

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 or FE college 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. Schools and FE colleges should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.
- Neither the local authority, the police, nor children's social care, can require a school or FE college to suspend a member of staff or a volunteer. The power to suspend is vested in the head teacher and the governing body of the school/college.

Action in respect of false Allegations

If an allegation is determined to be false the matter will be referred to Children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else.

If the allegation is shown to have been deliberately invented or malicious, the head teacher 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 s/he was not a pupil.

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. The process of 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.

"Compromise agreements" by which a person agrees to resign, the school or FE college 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 these cases. Such an agreement will not override the statutory duty to make a referral to List 99 where circumstances require that.

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 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.

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

Process following either a discussion with the LA designated officer or the decision of the strategy meeting is for the matter will be dealt with by the employer.

- If the nature of the allegation does not require formal disciplinary action, the head teacher should institute appropriate action **within three working days**.
- Where further investigation is required to inform consideration of disciplinary action the head teacher and the human resources personnel adviser should discuss who will undertake that.
- The investigating officer should aim to provide a report to the employer **within 10 working days**.
- On receipt of the report of the disciplinary investigation, the head teacher, chair of governors and human resources personnel adviser should decide whether a disciplinary hearing is needed **within two working days**.
- If a hearing is needed it should be held **within 15 working days**.
- 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 teacher or principal and chair of governors will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- The local authority designated officer will continue to liaise with the school or FE college to monitor progress of the case and provide advice or support.

APPENDIX 1

Contact Details for the Chair of Governors for each STEP Local Governing Body:

ACADEMY	CHAIR OF GOVERNORS	CONTACT DETAILS
Gonville Academy	Julie Booth	sjac.booths@blueyonder.co.uk
David Livingstone Academy		
Applegarth Academy	Margaret Bird	margaret@wraybank.co.uk
Wolsey Junior Academy		