



ST. GERARD'S  
CATHOLIC  
PRIMARY AND  
NURSERY SCHOOL

# Allegations against School Staff/Adults

*I am a*  
*child*  
*of*  
*God*  
†

## St Gerard's Catholic Primary School

“Guided by God, St Gerard's Catholic Primary and Nursery School is an inspiring and aspirational community where we learn to love, hope, dream and achieve.”

# SAFEGUARDING STATEMENT

“St Gerard’s Catholic Primary and Nursery School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment”.



## **Introduction**

St Gerard's Catholic Primary and Nursery School takes its responsibility of care for its students seriously and fully endorses the principles and practice of Every Child Matters. We recognise that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in our 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 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 Governors in cases where the Head is absent or the subject of the allegation or concern.

This policy follows the Government guidance in chapter 5 of 'Safeguarding Children and Safer Recruitment in Education', the DFE publication Dealing with allegations of abuse against teachers and other staff (2011) and adopts the Government guidance - "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children" (2010), which sets out the framework for managing cases of allegations of abuse against people who work with children. This policy also references recent 2012 DFE guidance "Dealing with Allegations of Abuse against Teacher and other staff. Guidance for Local Authorities, Head Teachers, school staff, Governing Bodies and proprietors of Independent Schools"

## **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;
- has behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.
- 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. 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 will be told the outcome. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see Confidentiality section). "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".

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 school has a duty of care to its employees. Should an allegation be made, the Chair of Governors and Head 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 and Head 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. The individual will also be given access to welfare counselling or medical advice where this is provided by the employer. The Head teacher should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. The Education Act 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). These restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State 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.

Regarding an allegation, the Head teacher will take advice from the LADO, the Police and children's social care to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and,
- how to manage press interest if and when it should arise.

### **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 in mind 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 the Independent Safeguarding Authority (ISA) (Disclosure and Barring Service from 1<sup>st</sup> December 2012) for consideration of placing the person's name on the Children's Barred List 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. In accordance with guidance, details of allegations that are found to have been malicious will be removed from personnel records.

It will provide clarification in cases where a future CRB (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 will 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.

### **References**

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

### **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. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. In line with Government guidance 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 Local Authority Designated Officer (LADO) should be informed, by the Headteacher, of all allegations of abuse against staff on the same day, even where the police are contacted directly.

The Headteacher will inform the accused person about the allegation as soon as possible after consulting the Chair of Governors and the LADO. However, where a strategy discussion is needed, or where police or children's social care 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 the LADO and other 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 will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (NB. The police will 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 s.93 of the Education and Inspections Act 2006.

The LADO and the Headteacher may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the investigation will be handed back to the school to undertake. Dependent on the nature of the allegation, the school may be required to report its findings back to the Strategy Group. 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 Headteacher and the Board of Governors. However, they will speak to the LADO who may 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.

Based on assessment of risk, the following alternatives will be considered by the Head teacher 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 or college or work for the local authority or academy trust.

Where it has been deemed appropriate to suspend the individual, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension.

### Findings

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

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- e. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

### Action in Respect of False or Malicious Allegations

If an allegation is determined to be false or malicious, the Head teacher 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 she/he was not a pupil.

### 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 Headteacher will determine with the LADO whether a referral to the ISA or the Teaching Agency is required, or advisable. The school must report to the ISA or from December 2012 the Disclosure and Barring Service, any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. (The ISA, PO Box 181, Darlington, DL1 9FA, Tel: 01325 953 795, [www.isa.homeoffice.gov.uk/Default.aspx?page=379](http://www.isa.homeoffice.gov.uk/Default.aspx?page=379)).

**This report will be made within one month of the decision to cease using the services of that person.**

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. We appreciate 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.