

Allegations of Abuse against School Staff

Date last reviewed	June 2017
Committee Responsible	SBS
Designated member of staff	
Date of next review:	June 2020

STATEMENT OF INTENT

The Hollyfield School takes its responsibility of care for its students very seriously. It is committed to ensuring that any allegation of abuse is investigated thoroughly and quickly, in a fair and consistent way that provides effective protection for the student and supports the person who is the subject of an allegation. To be read in conjunction with the Safeguarding policy.

Guiding Principles

- Managing allegations of abuse is one of the most difficult tasks that schools have to face. A student may be permanently damaged, and the damage may be compounded, if complaints of abuse are not believed.
- The Childrens Act 1989 established that the interests of the child are paramount and was supplemented by the Childrens Act 2004 which reinforced the message that all organisations working with children have a duty in helping safeguard and promote the welfare of children.
- Grey Court's procedures aim to strike a balance between the clear need to protect students from abuse, and the need to protect staff from false or unfounded allegations.
- Types of potential abuse are at Appendix A. Note, this list is not exhaustive.
- However, some allegations made might appear on investigation to be without foundation.
- Therefore, speedy resolution of an allegation is a top priority to the benefit of all concerned.
- Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated.
- Suspension will not be used as an automatic response when an allegation has been reported.

Responsibilities

Section 175 of the Education Act 2002 requires school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of

all children who are pupils at a school, or who are students under 18 years of age. Such arrangements will have to have regard to any guidance issued by the Secretary of State.

However:

- Any allegation of abuse by a member of staff on a student must be reported to the Head Teacher.
- The school's designated safeguarding lead (Associate Head Teacher*) has responsibility for liaising with social services and other agencies over suspected child abuse. An allegation should be reported urgently to the Local Authority Designated Officer (LADO). * See also the Child Protection Policy.
- The Chair of the Local Governing Body is the nominated governor who ensures that the school's procedures are consistent with best practice. Any allegations made against the Head Teacher or designated safeguarding lead should be brought immediately to the attention of the Chair of the Local Governing Body.

When an Allegation is made

Concerns may be raised by a student or staff member by a direct disclosure, or indirectly through a work colleague or via a friend. A parent may approach the school directly or may contact social services or the police. An anonymous report will be acted on, but this fact will be kept in mind when considering the context of the allegation.

When an allegation is made, the Head Teacher will establish in writing the general nature of the allegation including what is alleged to have happened, where and when the incident is alleged to have occurred, who was involved and whether there were any others present. At this stage, no attempt will be made to determine the truth or otherwise of the allegations by investigating the incident as this may jeopardise any subsequent investigations by external agencies.

Initial Assessment

When making the initial assessment, the context in which the alleged incident occurred may provide important information. This includes:

- the conduct of the member of staff (e.g. previous concerns, past disciplinary action, exemplary professional behaviour)
- the conduct of the student (e.g. record of behaviour and any previous allegations made)
- any special circumstances (e.g. family problems or special needs)
- the perspective of the person making the allegation.

A trivial allegation does not have to result in a child protection referral, but the danger is what may appear to be trivial to staff may be significant to the student and may still constitute an assault.

Possible Outcomes

There are three possible outcomes of the initial assessment:

- where it is clear that the student has suffered, is suffering or is likely to suffer significant harm or has alleged that a criminal offence has been committed, a referral will be made and the police may carry out a criminal investigation
- the allegation, whilst not in the first category, represents inappropriate or poor practice by a member of staff that needs to be dealt with by the school's disciplinary procedures
- the immediate circumstances show that it is not possible for the allegation to be true.

False Allegations

A **false** allegation may still lead to a referral to social services if it is agreed that a child is in need of support. It may be that the student has experienced abuse elsewhere or has tried to discredit a member of staff as an act of displacement. A **malicious** allegation implies a deliberate act to deceive and is likely to have breached the school behaviour policy. An unfounded allegation would mean that an incident was misinterpreted in some way. Some allegations may later be considered **unsubstantiated** (that is when there is insufficient evidence; this does not imply either guilt or innocence).

In all these cases, the Chair of the Local Governing Body will receive a written report detailing the allegation and how the matter has been resolved.

Allegations that are found to be malicious should be removed from personal records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.

Referral and Subsequent Investigations

In most cases the investigation will start with a multi-agency strategy meeting to determine whether a full child protection investigation is necessary. However, if a criminal act has been identified, or if the matter has been referred to the police independently, the police may embark on their own investigation. This may happen before the school has been notified of the investigation. Police officers will be given assistance in their enquiries and confidentiality about those enquiries will be maintained.

Suspension

Suspension is not an automatic response to an allegation. In some circumstances suspension could impede a police investigation and its effects may subject an innocent person to a serious ordeal.

The joint National Employers' Organisation for School Teachers (NEOST) guidelines identify the following grounds for suspension:

- a child or children would be at serious risk
- the allegation is so serious that summary dismissal for gross misconduct is possible
- the investigation would in some way be impeded.

Suspension is a neutral act, and will be on full pay. Alternatives to suspension will be considered. These include:

- leave of absence
- providing someone else to be present during contact time
- undertaking non-contact duties.

It will be important for the member of staff to have a friend or trade union representative present with them any interview informing them of the allegation or suspension. Written confirmation will follow within one working day and the Chair of the Local Governing Body will be informed.

Confidentiality

Confidentiality will be maintained as far as is possible and sensitive information will only be disclosed on a need to know basis. The member of staff will be informed of any decisions that are made before and during the process. Records will be kept of any agreed action including arrangements for supporting the member of staff and the student. Documents relating to the investigation will be retained in a secure place and information relating to any disciplinary action will be kept on the member of staff's file. If there are related criminal or civil proceedings, records may be subject to disclosure. Therefore, no assurances can be given of total confidentiality.

Disciplinary Action

The internal process is separate from the child protection investigation. If a police or child protection investigation takes place, it has priority over the internal investigation. The internal process can often be more fully informed once any external investigations have been completed. The NEOST guidelines suggest ways in which evidence can be used which formed part of a different investigation.

If a member of staff is dismissed, or resigns before a disciplinary process is completed, the school has a duty to report the case to the DfE. The school should also consult the LADO about whether a referral to the Disclosure and Barring Service (DBS) is required.

If a referral is appropriate the report should be made, within one month of leaving the school, on any person (whether employed, contracted, a volunteer or student) whose services are no longer used because he or she is considered unsuitable to work with children. In this context, ceasing to use a person's services includes:

- dismissal
- non-renewal of a fixed-term contract
- non-engagement/refusal to engage a supply teacher provided by an employment agency
- terminating the placement of a student teacher or other trainee
- no longer using staff employed by contractors
- no longer using volunteers
- resignation
- voluntary withdrawal from supply teaching, contract working, courses of initial teacher training or volunteering.

This policy needs to be read in conjunction with the Child Protection (Safeguarding) Policy, Extremism and Radicalisation policy, Searching Students Policy and the Staff Disciplinary Policy

Appendix A

Types of potential abuse

Physical

The most common type of allegation relates to physical abuse by a member of staff and involves the excessive use of force or assault. Any of the following can be regarded as physical assault: punching, kicking, pushing, smacking, slapping, shaking or throwing an object at a student. Teachers have the right to restrain pupils, but restraint must not be excessive and must not constitute a punishment. All school staff should be aware that any physical contact could be misinterpreted. Tapping on a shoulder to secure attention may not normally be abusive, but if this done after an earlier disagreement, it could be interpreted as assault.

Sexual

Allegations of sexual assault include (attempted) sexual assault, the possession and use of pornographic material, inappropriate language or behaviour, and the inappropriate use of text messaging and other ICT media. Activities that could be interpreted as grooming a child for sexual purposes may need special consideration. These include inviting students home, seeing students socially and offering students lifts. Any members of staff who feel that they have been inadvertently compromised in some way are strongly advised to bring this to the attention of the Deputy Head or a senior member of staff as soon as possible.

Emotional

Emotional abuse and neglect refer both to acts of commission (e.g. racist remarks, bullying including sarcasm) and omission (e.g. failing to address homophobic comments or bullying, and failure to protect a student from danger on a school trip).

Radicalisation and Extremism

The government defines extremism as vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. Some children are at risk of being radicalised: adopting beliefs and engaging in activities which are harmful, criminal or dangerous. Islamic extremism is the most widely publicised form and schools should also remain alert to the risk of radicalisation into white supremacy extremism. School staff receive training to help to identify signs of extremism. Opportunities are provided in the curriculum to enable pupils to discuss issues of religion, ethnicity and culture and the school follows the DfE advice Promoting Fundamental British Values as part of SMCS (spiritual, moral, social and cultural education) in Schools (2014). However, staff should be vigilant and mindful of anything that may open them to such allegation.

