

St Mary's & St Peter's Catholic Primary School

Allegations of Abuse Against Staff Policy

**Adopted: March 16th 2016
Review Date: March 2018**

St Mary's & St Peter's Catholic Primary School

"I have come so that they may have life, and have it to the full"

(John 10.10)

As members of this Christian community we are carriers of the vision;
-that we live together in peace and charity and in that spirit serve others
-that we be people of prayer so that we may live justly, love tenderly and walk humbly with our God.

In St. Mary's and St. Peter's Catholic Primary School it is our mission to provide a Christ centred worshipping community where uniqueness and difference is embraced and celebrated. Each person, especially the most vulnerable, is nurtured to achieve their full potential and human wholeness enabling them to make a valuable contribution to society as a child of God.

In God we love, laugh and learn

Introduction

It is essential that any allegation of abuse made against a teacher, 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 or children and at the same time supports the individual(s) who are the subject of the allegation.

Allegations may be made in a number of ways:

- Direct disclosure by the child or young person
- Indirect disclosure i.e. through written work, behaviour or art (especially relevant for children with SEN and disabilities)
- Complaints from parents
- Complaints to the police from parents, children or young people
- Reports by other colleagues or agencies

The following policy and procedures are based on current statutory guidance namely;

- Working Together to Safeguard Children (DCSF 2010)
- Dealing with Allegations of abuse made against teachers and other staff (DfE 2012)
- Safeguarding Children and Safer Recruitment in Education (DfES 2006) which is relevant for the purpose of s157 and s175 of the Education Act 2002
- Safeguarding Vulnerable Groups Act 2006 and

As an employer St Mary's & St Peter's Catholic Primary School has a duty of care to our staff and we will strive to manage and minimise the stress inherent in the investigative process by arranging appropriate and independent support i.e. an appropriate member of the Senior Leadership Team who is not involved in the investigative process, will be assigned to support any individual subject of an allegation. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by Care Services or police.

All staff should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour or conduct of another member of staff. This includes concerns relating to the conduct or behaviour of the Headteacher which should be referred to the Chair of Governors, the Diocese and the Local Authority Designated Officer (LADO)

All existing staff will therefore receive a copy of this policy and procedure (or be advised where to access a copy) and all new starters will receive a copy which will be incorporated into the Staff Handbook

Purpose

St Mary's & St Peter's Catholic Primary School has adopted the following policy and procedure to provide, in accordance with current statutory guidance, an effective framework to manage allegations against staff which may indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity.

It should be used when an allegation is received that the Headteacher, a teacher, member of staff or volunteer (including school governor or student on professional placement) 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 or she would pose a risk of harm if they work regularly or closely with children

Where concerns relating to the conduct of a member of staff have been received or where an allegation has been made, consideration will be given to the need for;

- A police investigation in respect of a possible criminal offence having been committed
- Assessment by Children's Social Care in relation to whether a child or young person is in need of protection or services
- Disciplinary action in respect of the individual

The following sets out how allegations will be managed

Appropriate and Unacceptable Behaviour

At St Mary's & St Peter's Catholic Primary School we expect the highest standards of behaviour for our staff, both within and outside the school, to ensure that the welfare of children is promoted and safeguarded.

What constitutes appropriate or unacceptable/inappropriate behaviour will vary depending upon the context and nature of the work undertaken. All employers have a responsibility to set personal and professional boundaries of their staff and to be explicit about what behaviours are illegal, inappropriate or unacceptable.

St Mary's & St Peter's Catholic Primary School has adopted the DCSF *Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings* (March 2009).

Working Together to Safeguard Children (2010) states that "it is important ... that even apparently less serious allegations are seen to be followed up and that they are examined objectively by someone independent of the organisation concerned" (Appendix 5, para.14) and continues "the Local Authority Designated Officer should be informed of all allegations that come to the employer's attention and appear to meet the criteria."

The responsibilities of the Local Authority Designated Officer (LADO) include:

- Management and oversight of individual cases
- Provision of advice and guidance to employers and voluntary organisations
- Liaison with the police
- Monitoring the progress of all cases to ensure that they are dealt with as quickly and consistently as possible

Use of Suspension

Dealing with Allegations of Abuse against Teachers and other Staff (DfE 2012) states that "suspension should be considered only in a case where there is cause to suspect a child or other children at the school is / are at risk of significant harm or the case is so serious that it might be grounds for dismissal."

Suspension must not be an automatic response to an allegation, and consideration of suspension should not be taken until discussions have taken place with the LADO, Police, other agencies and Human Resources. The DfE guidance suggests the following alternatives to suspension, based on an assessment of risk:

- 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 or college 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 work for the Local Authority or Academy Trust

Confidentiality

Every effort will be made to maintain confidentiality and guard against unwanted publicity both for the school and the individual concerned, whilst an allegation is being investigated. In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media unless and until the individual is

charged with a criminal offence and the Press Complaints Commission also provides safeguards against the publication of inaccurate and misleading information. The school should liaise with the Council's Press Officer, as appropriate.

Resignations and Compromise Agreements

Whereby an individual who is the subject of an allegation tenders their resignation or ceases to provide their services, this will not prevent an allegation being followed up and concluded in accordance with the following procedure.

Every effort will be made to reach a conclusion, based on a 'balance of probabilities', in all cases of an allegation having a bearing on the welfare of children and the suitability of the individual to continue to work in an educational establishment.

In cases whereby an individual refuses to cooperate with the process, they will be given reasonable opportunity to provide a response to the allegation and make full representation. The process of investigating the allegation and reaching a judgement will continue even if the person does not cooperate.

Similarly so called "compromise agreement" whereby an individual agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future reference requests will not be entered into by St Mary's & St Peter's Catholic Primary School

Record Keeping

St Mary's & St Peter's Catholic Primary School will, in accordance with *Managing Allegations of Abuse made against Teachers and other Staff* (2012) will maintain a clear and comprehensive summary of any allegation made which will:

- detail how the allegation was followed up and resolved
- note of action taken
- decisions reached

The purpose of the record is to enable accurate information to be given, prevent unnecessary re-investigation such as an allegation re-surfaces after a period of time. In addition it provides clarification in cases where a future CRB Disclosure reveals information from the Police in respect of an allegation that doesn't result in a criminal conviction. This record will be retained until the individual has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Where, on conclusion of a case, the allegation was deemed to be substantiated, unsubstantiated, false or unfounded, the summary will be kept on the individual's personnel file and a copy provided to the person concerned. Whereby allegations are deemed to be unfounded or not substantiated this will not be disclosed in references, all others will be disclosed on request.

Where, in conjunction with the LADO, a case is concluded to be malicious, the records will be destroyed. No reference to the allegation will be retained in the individual's personnel file or referred to in an employer reference.

Notifying the Independent Safeguarding Authority

The Safeguarding Vulnerable Groups Act 2006 defines the scope of the Vetting and Barring Scheme which is administered by the Independent Safeguarding Authority.

Employers and service providers must refer information to the ISA when they have dismissed an individual or an individual resigns because they harmed, or may harm, a child or vulnerable adult. It is the role of the ISA to determine whether an individual should be barred from working with children and/or vulnerable adults. ISA will inform professional and regulatory bodies when it bars someone so that their professional registration can also be reviewed.

In certain circumstances a referral may be made to regulatory bodies in addition to ISA as their conduct is considered to be inconsistent with their Code of Conduct and regulatory standards

In circumstances whereby an individual would or could have been sacked on grounds that could lead to barring, they must be referred to Isa even if the individual has stopped working or providing their services.

Review Framework

This policy will be reviewed annually (or sooner in the event of revised legislation guidance) and will be considered alongside other relevant policies and procedures which interface and inform one another for example:

- Safeguarding [child protection] Policy
- Human Resources Policies and Procedures

Signed: (Head)

Signed (Chair of Governors)

Date ratified by Governing Body

Date to be reviewed

Procedure for Managing Allegations