

John Ruskin Primary School and Language Classes

# Managing Child Protection Allegations against Staff

Co-ordinator: Suzy Gregory

Last review: 2017

Next review: 2020

or as advised by the Local Authority (LA)



**"Be responsible, be fair, stay positive and care"**

# John Ruskin Primary School & Language Classes

## Managing child protection allegations against staff guidance

Adopted: May 2017

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### Contents

Introduction .....	2
When allegations are reported.....	3
Reporting concerns to the authority’s designated officer .....	5
Malicious and false allegations.....	6
Supporting those involved .....	6
Suspension from work .....	6
Formal investigations.....	7
Referrals to the Disclosure and Barring Service or National College for Teaching and Leadership.....	7
Returning to work following an investigation .....	8
Useful contacts .....	8

### Introduction

1. Safeguarding the well being of children is defined by the Department for Education in their statutory advice ‘Keeping Children Safe in Education’ July 2015 as *‘protecting children from maltreatment; preventing impairment of children’s health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.’* Their advice applies to all schools and all schools must have regard for it when carrying out their duty to promote and safeguard the welfare of children.
2. All staff (paid and voluntary) are expected to adhere to a code of conduct in respect of their contact with pupils and their families. The Teacher Standards 2012 require all

teachers, including head teachers, to safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

3. This guidance is recommended to all schools and should be read in conjunction with the schools overarching safeguarding policy. It complements the model safeguarding policy recommended to schools by Southwark Council and provides additional detail about the initial steps that are followed when allegations arise against staff in schools.
4. Any adult working with children may at some point be the subject of an allegation that they have abused a child or put a child at risk. Such allegations can be distressing for everyone involved. The school will have separate procedures in place for pupils, parents and staff to share any concern that they may have about the actions of any member staff or volunteer. This guidance provides a transparent and consistent child-centred approach to investigating such concerns and identifying appropriate action, whilst ensuring that those facing allegations are appropriately supported. This guidance applies regardless of whether the school is where the abuse is alleged to have taken place.

### **When allegations are reported**

5. All staff working in schools have a duty to report safeguarding concerns in accordance with the school's safeguarding policy. Any failure to do so may have serious consequences on pupils, colleagues and/or the school itself and could be considered to constitute neglect of duty.
6. Notwithstanding this, it is acknowledged that sometimes staff may wish to raise concerns in confidence and in such cases staff may utilise the school's whistleblowing policy.
7. Concerns may come to light in a variety of ways. For example, a child may disclose concerns personally, a carer may raise concerns or a member of staff or visitor to the school may witness something of concern. All concerns will be considered objectively. Schools must take all such concerns seriously.
8. All such complaints will be brought immediately to the attention of the head teacher or one of the school's designated safeguarding leads if the head teacher is not available. Nothing should be said to the individual concerned before this and there should be no delay in reporting the issue. In cases where the head teacher is the subject of the allegation or concern, the concerns should instead be reported to the Chair of Governors.
9. The school's safeguarding policy should be followed in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides 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 he or she would pose a risk of harm children.

10. Unless it is apparent that the individual reporting the allegation has been mistaken or misinterpreted what they saw, then the Local Authority's Designated Officer(s) (DO) should be informed of all allegations that come to a school's attention and appear to meet the criteria. Contact may also be made with authority's Schools Safeguarding Coordinator who will liaise with the DO. Some cases will not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements will be followed to resolve cases without delay.

11. If there is a risk of publicity surrounding the concern the school may wish to take advice from the DO and the authority's press office on how to manage this.

12. Some rare allegations will be so serious they will require immediate intervention by children's social care services and/or police. The DO will determine whether to make such referral on behalf of the school.

13. In such cases, referral to the DO will lead to a Strategy Meeting or Strategy Discussion being held in accordance with the DfE guidance and London Safeguarding Children's Board procedures. This process will agree upon the appropriate course of action and the time-scale for any investigations.

14. The strategy discussion will determine the appropriate action to be taken. In some cases, a preliminary investigation may be required to establish whether there is any potential substance to the allegation and whether more formal action is required under the schools procedures. The head teacher, in consultation with the DO, will normally be appointed to undertake this but this may be delegated. The appointed person will take steps to establish the full facts of the allegation without unreasonable delay. This may involve asking questions of the person making the allegation, the child, witnesses and/or the individual against whom the allegation is made; checking timetables or CCTV; seeking medical attention for the child; and/or asking for written statements. What is needed in each case will be determined by the individual circumstances and advice will be provided by the DO and may also be sought from the schools human resources advisers. Steps should be taken by the school to secure available evidence and maintain confidentiality.

15. The following definitions should be used when determining the outcome of the preliminary investigation:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term does not therefore imply guilt or innocence.
- **Unfounded:** there is no evidence or proper basis which supports the allegation. This term may be used where the person reporting the concern misinterpreted the incident and/or was mistaken or unaware of the full circumstances.

16. 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, the DO will convene a strategy meeting.

#### **Reporting concerns to the authority's designated officer**

17. The DO will require all relevant information from the school, including any notes of meetings or conversations or witness statements relating to the allegation. The minimum information to be provided to the DO is:

- Details of the allegation
- Name, home address, date of birth, job title and level of contact with children of staff against whom the allegation is made
- Name and contact information of the person making the allegation and their relationship to the school
- Name, home address and date of birth for the child/children concerned
- Name of the parents or carers of the child/children and contact details
- Any notes or written statements made by those involved, including any witnesses and any other information or evidence already provided

### **Malicious and false allegations**

18. Where it is concluded either by the DO or as a result of an internal investigation that there is insufficient evidence to substantiate an allegation, the matter may need to be referred to children's social care to determine whether the child is in need of services. The DO will advise on this.
19. If an allegation is made in good faith, but is not upheld or confirmed by subsequent investigation, no action will be taken against the individual concerned. If however a member of staff is found to have made a malicious allegation, or acted for personal gain, they may be subject to disciplinary action.

### **Supporting those involved**

20. Children's social services and the DO will advise the school on appropriate support for the child and their family.
21. The school recognises the duty of care towards staff and will provide information to staff on any employee assistance scheme or counselling provision available to them. All those involved will be reminded of the need for confidentiality.
22. The individual facing allegations must be advised of the allegations and be told of the actions to be taken. The timing of this will be determined by the DO. The individual will be kept up to date of progress by the head teacher or appointed officer. They should be advised to contact their trade union and/or professional association, or an independent colleague, for support. The individual may wish to speak with their GP and/or a referral to the school's occupational health service may be appropriate in some circumstances.

### **Suspension from work**

23. Suspension should not be the default position when an allegation is made; an individual should be suspended only if there is no reasonable alternative. Community schools must consult with the local authority, through the schools human resources team, before issuing a suspension. Other schools are strongly recommended to take advice from their human resources advisers.
24. Suspension may only be authorised by the head teacher after consultation with the chair of the governing body and a suspension may only be ended with the agreement of the governing body. The chair of the governing body should only be given an outline of the allegation in case they are required to participate in a formal procedure at a later date.

25. Suspension is a neutral act with the purpose of protecting the individual concerned and/or the investigation process.

26. Alternatives to suspension could include a move to alternative duties, a move to a different location, increased supervision, or moving the child/children to a different class. Suspension will always be considered if:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants a police investigation
- The allegation amounts to potential gross misconduct or some other substantial reason serious enough to be grounds for dismissal
- There is a statutory restriction imposed, for example a barring order.

### **Formal investigations**

27. Where there is sufficient evidence to warrant an investigation into allegations of potential misconduct or gross misconduct, the investigation will be undertaken in accordance with the school's disciplinary procedure.

28. Where training needs are identified it may be more appropriate to follow the school's capability procedure.

29. Where a criminal investigation is being undertaken, the school will liaise with police regarding the timing of any investigation to avoid any potential conflict.

### **Referrals to the Disclosure and Barring Service or National College for Teaching and Leadership**

30. All employers have a legal duty to refer to the DBS anyone who they think has engaged in conduct that has harmed, or poses a risk of harm, to a child and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person from working with children. Referrals will be made as soon as possible after the resignation or removal of the individual.

31. In the case of teachers the school must also decide whether to refer the matter to the NCTL for consideration of a prohibition from teaching.

## **Returning to work following an investigation**

32. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual 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 individual's contact with the child or children involved in the allegation (if they are still at the school) and their families can best be managed.

## **Useful contacts**

Local Authority Designated Officer: Quality Assurance Unit Service Manager

*There is a duty system and one of the Child Protection Coordinators in the Quality Assurance Unit is on duty each day to deal with DO issues. The duty telephone number for all DO enquiries/referrals is 020 7525 3297*

Schools Safeguarding Coordinator: 020 7525 2715

Schools Human Resources: [www.southwark.gov.uk/schoolshr](http://www.southwark.gov.uk/schoolshr)

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