



BOWLING GREEN PRIMARY SCHOOL: POLICY FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

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/carers
- Complaints to the police from parents/carers, 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 (2018)
- Keeping Children Safe in Education (2018)
- Calderdale Safeguarding Children Board policies and procedures

As an employer, Bowling Green 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 the 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. All staff will be issued with a copy of this policy and procedure; new starters will receive a copy within the School Induction pack.

Purpose

Bowling Green 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 or concern is received that a teacher, member of staff or volunteer (including school governor) in school 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
- Behaved towards a child or children in a way that indicates that they are unsuitable to work with children



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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 Care Services about whether a child is in need of protection or in need of services
- Disciplinary action in respect of the individual

A flowchart showing how allegations will be managed is set out at page 6 of this document. More detailed procedures are set out in Working Together to Safeguard Children (2018), Keeping Children Safe in Education (2018) and on Calderdale Safeguarding Children Board website at <http://calderdale-scb.org.uk>

Appropriate and Unacceptable Behaviour

At Bowling Green 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 for their staff and to be explicit about what behaviours are illegal, inappropriate or unacceptable.

Bowling Green Primary School has adopted the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings. As part of our induction process staff will be provided with a copy of this guidance and will be required to sign that they have read and understood the document.

Existing staff, appointed prior to the adoption of this policy and procedure will be provided with a copy of the guidance and will be required to sign that they have read and understood the document.

Working Together to Safeguard Children (2018) states that “it is important that even apparently less serious allegations are seen to be followed and that they are examined objectively by someone independent of the organisation concerned” (Appendix 5, para.13) and established the role of Local Authority Designated Officer (LADO) whose responsibilities include:

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



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Use of Suspension

Working Together to Safeguard Children (2018) states that suspension should be considered in every case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants investigation by the police or
- The allegation is so serious that it might be grounds for dismissal

Suspension is not an automatic response to an allegation and consideration of suspension should not be taken until discussions have taken place with relevant professionals, agencies and Human Resources personnel.

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.

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 statutory guidance.

Every effort will be made to reach a conclusion 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 and

- 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 Bowling Green Primary School.



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Record Keeping

Bowling Green Primary School will, in accordance with Keeping Children Safe in Education (2018), maintain a clear and comprehensive summary of any allegation made which will:

- detail the allegation/concern, how the allegation was followed up and resolved,
- note action taken,
- note decisions reached.

The summary will be kept securely on the individual's personnel file and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given, prevent unnecessary re-investigation should an allegation re-surface after a period of time or provide information in response to any request for a reference if the individual leaves our employment. 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.

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 (ISA).

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.



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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 and Child Protection Policy
- Disciplinary policy

This policy is renewed annually.

Next review: Autumn 2019

Signed: _____ (Head)

Signed _____ (Chair of Resources)

Date ratified by Governing Body _____



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Allegation/concern re the conduct of teacher, member of staff or volunteer

All allegations/concerns should be reported directly to the Head (in their absence the Deputy Head)

If the allegation or concern relates to the conduct of the Head then this should be reported to the Chair of Governors

Head or Chair of Governors to liaise with Safeguarding Consultant (Learning Services) or Local Authority Designated Officer (LADO)

The purpose of the initial discussion is to consider the nature, content and context of the allegation/ concern and agree a course of action

This initial sharing of information may lead to the decision that no further action is taken and matters left with the school to decide how best to proceed eg further training, support or advice

In other cases the discussion will focus on agreeing a course of action including the need to hold a strategy meeting under Calderdale Safeguarding Children Board procedures and consider whether suspension is appropriate. The LADO will also canvass the views of police and Care Services personnel

Agreeing Next Actions

Multi agency investigation into the allegations/concerns which may involve police, Care Services, School and other relevant agencies and professionals

Further action by the Employer will always be required in circumstances whereby:-

- The Strategy meeting concluded that disciplinary action should be considered by the employer
- The Crown Prosecution Services (CPS) has determined that a charge or prosecution may not be appropriate
- Following the conclusion of legal proceedings

Disciplinary Investigation: the decision to instigate disciplinary procedures will be based on upon the nature and seriousness of the behaviour. An investigation officer will be identified and the LADO will retain overall responsibility to monitor the progress of the investigation and provide advice and support when required or requested. Likewise the Safeguarding Consultant will continue to support the school in concluding matters as appropriate.

Possible Outcomes

No Further Action

Disciplinary sanctions which could include dismissal and resulting referral to the Independent Safeguarding Authority and/or regulatory body

Police Prosecution leading to consideration of disciplinary proceedings which could include dismissal and a referral to the Independent Safeguarding Authority and/or regulatory body