



St Edward's
Church of England
Academy

Allegations of abuse against Staff Policy

Approved by Governors

Statutory Policy

RECOGNISE • ENCOURAGE • STRIVE • PREPARE • EMPATHISE • CHRISTIAN • TEAMWORK



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The Vision for Education within a Church of England Academy

There are fundamental reasons, rooted in the Bible, which have motivated centuries of Christian involvement in schooling in this country and around the world. The God of all creation is concerned with everything related to education.

There is a fresh articulation of the Church of England's vision for education as we meet the challenges and take the opportunities offered by the present situation. It is not simply for Church schools but, recognising the Church of England's involvement in education over many centuries, seeks to promote educational excellence everywhere, for everyone. In Church schools like St Edward's Church of England Academy, the deeply Christian foundation for this vision will be seen explicitly in teaching and learning both in RE and across the curriculum, and also in the authentically Christian worship and ethos. The Church's vision for education can be expressed and promoted as one of human flourishing that inspires what the school is and does.

The vision is deeply Christian, with the promise by Jesus of 'life in all its fullness' at its heart. This vision embraces the spiritual, physical, intellectual, emotional, moral and social development of children and young people. We offer a vision of human flourishing for all, one that embraces excellence and academic rigour, but set them in a wider framework. This is worked out theologically and educationally through four basic elements which permeate our vision for education:

- Wisdom
- Hope
- Community
- Dignity

The vision, in line with the Church of England's role as the established Church, is for the common good of the whole human community and its environment, whether national, regional or local. It is hospitable to diversity, respects freedom of religion and belief, and encourages others to contribute from the depths of their own traditions and understandings. It invites collaboration, alliances, negotiation of differences, and the forming of new settlements in order to serve the flourishing of a healthily plural society and democracy, together with a healthily plural educational system.



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St Edward's Church of England Academy Ethos and Values

The ethos and values of St Edward's Church of England Academy are based on the teachings of Jesus Christ and underpin everything that we are and do, which is encompassed in the word 'RESPECT'.

Each letter links to the Academy motto – *Learn for Life*

'Learn for Life'

- **R**ecognise and **E**ncourage - everyone's potential, individual skills and talents
- **S**trive to be the best we can be
- **P**repare for the challenges of life
- **E**mpathise - promoting the values of respect, kindness, compassion, fairness, forgiveness, love, honesty and trust
- **C**hristian – a community where we learn from the teachings of Jesus so that we can contribute to the family of St Edward's and beyond
- **T**eamwork – an environment where we work together so we can all achieve our potential



Allegations of abuse against Staff Policy

1. This is statutory guidance from the Department for Education. Schools, local authorities and FE colleges should have regard to it when carrying out duties relating to handling allegations against teachers and other staff.

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H3 of the Education Act 2002

WHO IS THE GUIDANCE FOR?

In response to an allegation staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.

DUTIES AS AN EMPLOYER AND EMPLOYEE

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) within the Academy that provides education for children less than 18 years of age has:

- a. behaved in a way that has harmed a child, or may have harmed a child;
- b. possibly committed a criminal offence against or related to a child; or
- c. 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.



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It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer within the Academy is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

The framework for managing cases of allegations of abuse against people who work with children is set out in 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children' (March 2015) which provides an overview of how allegations should be handled. It is relevant for the purposes of s.157 and s.175 of the Education Act 2002.

2. INITIAL CONSIDERATIONS

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either 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 should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The LADO should be informed of all allegations that come to the Academy's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

The following definitions should 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;



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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.

In the first instance, the Principal, or Chair of Governors should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations and the individual's current contact with children.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The Principal should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. (Please see further information on suspension below).



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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 should be convened in accordance with the document of *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the Academy depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the Principal or Chair of Governors and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school staff.

However, in other circumstances, such as lack of appropriate resource within the Academy or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that Academy can buy in from the authority. It is important that local authorities ensure that the Academy have access to an affordable facility for independent investigation where that is appropriate.



SUPPORTING THOSE INVOLVED

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals should 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 the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The case manager 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. For staff in maintained schools, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parent or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. 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 should be told the outcome, in confidence.

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 below). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice. Magistrates' court to request that reporting restrictions be lifted).



Appendix 1: When an allegation is made against a member of staff

1. Where an allegation (anonymous or otherwise) is made against a member of staff, or a person in position of trust working with pupils at the school, there should be urgent consultation by the head teacher with the Local Authority Designated Officer (LADO) for Staffordshire education service as to how to take the matter forward. Where the allegation is against the head teacher, this consultation should be made by the chair of governors.
 - Julie Astall
Education Safeguarding Officer and Education LADO
01785 278958 or 07773 791577.

If the Education LADO is not available, and the matter is urgent (e.g. alleged injury to child or possible criminal offence such as abuse of trust) the head teacher should refer the matter without delay to First Response based in the M.A.S.H. (Multi Agency Safeguarding Hub) and ask to speak to a LADO – 0800 1313 126.

2. When such allegations are made, there are a number of possible outcomes of the initial discussion:

2.1 Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under child protection procedures established by Staffordshire Safeguarding Children Board (SSCB). The Head Teacher (or Chair of Governors) will be advised to refer the matter to the First Response Team 0800 1313126, who will allocate the referral to the appropriate Safeguarding team to convene a strategy meeting/ discussion with professionals to decide how to proceed.

2.2 Where there is an allegation or concern that a criminal offence may have been committed, this will be referred under Children Act 1989 Section 47 child protection procedures (as above) and the police may carry out a criminal investigation. A strategy meeting is normally held prior to a criminal investigation being carried out.



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2.3 The allegation may represent inappropriate behaviour or poor practice by a member of staff (which does not fall within the above categories) that needs to be considered under local disciplinary procedures. This may be agreed by a telephone discussion or a Joint Evaluation Meeting may be convened to agree a way forward in more complex cases. These are chaired by the LADO and occur when there is no evidence of significant harm to a child that would meet the threshold for SCC Social Care Safeguarding team.

2.4 The concerns may have arisen over the behaviour of the adult which raises issues of suitability to work with children e.g. assault on another adult, person living with a registered sex offender, alcohol or drug dependency. In such cases the LADO may convene a Joint Evaluation Meeting which would involve HR and could include other agencies such as the police or adult social care to agree a way forward.

2.5 That the allegation is apparently without foundation and further investigation is not required.

3. A head teacher (or chair of governors where the allegation is against the head teacher) should not investigate the allegation, or interview pupils, or discuss the allegation with the member of staff, but should consider, in consultation with the LADO, whether the allegation requires further investigation and if so by whom.
4. There are three possible types of investigation:
 - 4.1 enquiries by Children's Social Care under local child protection procedures
 - 4.2 related police investigations into possible criminal offences
 - 4.3 The school's disciplinary procedure
5. Suspension should not be seen as an automatic response to an allegation. However it must be considered in the following circumstances
 - A child or children would be at risk
 - The allegation is so serious that dismissal for gross misconduct is possible
 - It is necessary to allow any investigation to continue unimpeded
6. Any investigation by police or child protection agencies will take priority over an internal disciplinary investigation by the school.

(These procedures are based on the [Staffordshire Safeguarding Children Board](#) procedure 'Managing allegations of abuse against a person who works with children' section 4A)



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Policies that are referred to within or should be read in conjunction with this policy are:



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Glossary: