

# ST JOHN FISHER CATHOLIC PRIMARY SCHOOL

## Dealing with Allegations against the Headteacher, Teaching Staff, Support Staff, School Volunteers and Contractors



*“Growing through God we Learn, Laugh and Love”*

	Name of School	St John Fisher Catholic Primary
	Policy Review Date	November 2017
	Date of Next Review	November 2018
	Who reviewed this policy?	Headteacher and Governors

**ST JOHN FISHER CATHOLIC PRIMARY SCHOOL**  
**Dealing with Allegations against the Headteacher, Teaching Staff, Support Staff,  
School Volunteers and Contractors**

<b>Designated Child Protection Teacher</b>	<b>Nichola Hegarty</b>
<b>Deputy Designated Child Protection Teacher</b>	<b>Catherine Smith</b>
<b>Nominated Governor</b>	<b>Sandra Baker</b>

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Children Act 1989
- Police Act 1997
- Police Act 1997 (Criminal Records) Regulations 2002
- Education Act 2002
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education and Inspections Act 2006
- Children and Young Persons Act 2008
- Police Act 1997 (Criminal Records) (No. 2) Regulations 2009
- School Staffing (England) Regulations 2009
- Equality Act 2010
- Education Act 2011
- Protection of Freedoms Act 2012

The following documentation is also related to this policy:

- Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children

We believe an allegation is best defined as a claim or assertion that someone has done something illegal or wrong, typically one made without proof. It could be information that comes to light suggesting an employee, a volunteer or a contractor 'may have hurt or harmed a child, or possibly committing a criminal offence against a child or has behaved in such a way towards a child or young person that indicates they would pose a risk of harm to children if they continue their current employment or in any capacity which involves working with children.'

We recognise that anyone who comes into contact with children such as the Headteacher, teaching staff, support staff, volunteers and contractors are vulnerable to accusations of abuse.

We acknowledge that dealing with allegations is a stressful, demanding, complex and delicate process for all involved. But we will ensure that all allegations will be taken seriously and investigated immediately and impartially in order to provide instant and effective protection for the child concerned and to provide support for the person who is the subject of the allegation. 'The procedures for dealing with allegations need to be applied with common sense and judgement. The following definitions will be used when determining the outcome of allegation investigations:

- **substantiated:** there is sufficient evidence to prove the allegation;
- **malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

- **false:** there is sufficient evidence to disprove the allegation;
- **unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **unfounded:** where there is no evidence or proper basis which supports the allegation being made.

(Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE))

We will ensure that any contractor, or any employee of a contractor, who is to work at school, will be subjected to the appropriate level of DBS check. We will not allow any contractor who has not been checked to work unsupervised. The identity of all contractors will be checked on arrival at school.

We will ensure that an allegation made against a contractor or any employee of a contractor will be investigated by the Headteacher and Designated Safeguarding Lead in the same way as investigating an allegation against a teacher, a member of support staff or a school volunteer.

In the case of an allegation being made against the Headteacher we will ensure the investigation will be conducted by the Chair of Governors who will discuss the allegation with the designated officer.

We wish to create a culture of openness that will allow children and school personnel to make truthful reports of any inappropriate behaviour and in the knowledge that all allegations will be taken seriously.

We encourage all school personnel to protect themselves against false accusations by treating all children with dignity and respect, and to ensure that they never work alone with a child, always maintaining a safe and appropriate distance and being cautious when dealing with sensitive moments.

We must ensure that school personnel do not suffer unnecessarily when false allegations have been made against them and that their careers are not wrecked.

We believe it is our duty to establish the reason why pupils make false allegations against school personnel and to put into place support procedures to help pupils overcome any problems they may have.

We understand that we have a legal duty once an allegation has been to undertake a full investigation, to record the decisions reached and action taken. We believe allegations against staff can be minimised by having in place safer recruitment strategies, appropriate induction and training, an open and transparent safeguarding ethos, a professional code of conduct, regular staff briefing and discussion of safeguarding issues and by ensuring that pupils are aware of safeguarding issues through PSHE.

We as a school community have a commitment to promote equality and believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

## **Aims**

- To investigate all allegations against school personnel seriously and impartially by providing protection for the child and support for the named person in the allegation.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

## **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body has:

- The responsibility to investigate any allegation against the Headteacher;
- delegated powers and responsibilities to the Headteacher to investigate allegations against any member of the school personnel;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- responsibility for ensuring all policies are made available to parents.

Nominated a link governor to:

- Visit the school regularly;
- Work closely with the Headteacher and the coordinator;
- Ensure this policy and other linked policies are up to date;
- Ensure that everyone connected with the school is aware of this policy;
- Attend training related to this policy;
- Report to the Governing Body every term;
- Annually report to the Governing Body on the success and development of this policy.
- Responsibility for the effective implementation, monitoring and evaluation of this policy.

### **Role of Chair of Governors**

When investigating an allegation against the Headteacher the Chair of Governors will:

- Inform the Headteacher about the allegation;
- Immediately discuss the allegation with the Local Authority Designated Officer 'to consider the nature, content and context of the allegation and agree a course of action';
- Record the decision.

### **Role of the Headteacher**

The Headteacher will:

- Investigate all allegations against any member of the school personnel, contractor or any employee of a contractor;
- Undertake the following when an allegation is received:
- Will take the allegation seriously, will keep an open mind and will not promise confidentiality to the informant.
- Will not undertake an investigation.

Will make a written record of the allegation by:

- using the informants words;
- including the date, time, place of the incident, and those present;

- signing and dating the record.
- refer any allegation against a teacher no longer working in the school to the police;
- refer any allegation against a teacher no longer teaching to the police;
- consult with the Local Authority Designated Officer when an allegation has been made;
- appoint an independent investigator if the allegation is deemed to be serious;
- share information about the named person in the allegation and the alleged victim with all agencies involved in the investigation;
- keep the person who is the subject of the allegation informed of the progress of the investigation;
- provide support for the person who is the subject of the allegation;
- keep parents informed of the investigation and outcome;
- provide appropriate support and counselling for the child and parents during the whole process;
- consider suspending the person who is the subject of the allegation;
- consider suspending the child if it is felt there is a risk of significant harm to the child from the person accused;
- make every effort to maintain confidentiality and to prevent unnecessary publicity;
- provide return to work support such as Occupational Health support for a member of the school personnel returning to work after suspension following a positive conclusion to the investigation;
- consult with the Local Authority Designated Officer what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false;
- work closely with the link governor and the Designated Child Protection Teacher;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors.
- annually report to the Governing Body on the success and development of this policy.

### **Role of the Designated Safeguarding Lead**

The Designated Safeguarding Lead will:

- ensure the implementation of this policy;
- ensure everyone connected with the school is aware of this policy;
- work closely with the Headteacher and the nominated governor;
- be trained in child protection policy procedures;
- renew training every two years in order to;
- understand the assessment process;
- understand the procedures of a child protection case conference and child protection review conference;
- understand the specific needs of children in need;
- understand the specific needs of children with special educational needs and those of young carers;
- have in place a secure and accurate record system of all concerns and referrals;
- take the lead in dealing with child protection issues;
- keep a confidential Child Protection Register of all those pupils known to be at risk and only if it is confirmed by social services that the child is at risk;
- be trained in working with all agencies;
- familiarise school personnel with the policy and procedures;
- investigate and deal with all cases of suspected or actual problems associated with child protection;
- ensure parents are aware that referrals about suspected abuse or neglect may be made;
- make child protection referrals;
- record all child protection referrals;
- co-ordinate action within the school;
- liaise and seek advice from the Local Authority Designated Officer (LADO) when the need arises;

- liaise with social care and other agencies;
- transfer the child protection file of any pupil leaving to join another school;
- provide support for any child at risk;
- not promise confidentiality to any child but always act in the interests of a child;
- act as a source of advice within the school;
- help create a culture within the school of listening to children;
- keep up to date with all new guidance on safeguarding children;
- keep all school personnel up to date with any changes to procedures;
- organise appropriate training for school personnel and governors;
- ensure all incidents are recorded, reported and kept confidential;
- keep all paperwork up to date;
- report back to the appropriate school personnel when necessary
- annually review the policy with the Head.

### **Role of School Personnel**

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- maintain high standards of ethics and behaviour within and outside school and not to undermine fundamental British values;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community.

### **Procedure to Report Allegations**

School personnel must:

- make a dated and timed written record of the disclosure or incident causing concern about a member of the school personnel or a school volunteer;
- inform the Designated Safeguarding Lead;
- make a dated and timed written record of the disclosure or incident causing concern about the Headteacher;
- inform the Chair of Governors who will deal with the allegation;
- make a dated and timed written record of the disclosure or incident causing concern about a pupil;
- inform the Designated Safeguarding Lead;

The Designated Safeguarding Lead will:

- follow up the referral;
- make records of any discussions and any investigation that takes place;
- decide whether to take the referral further or to monitor the situation;
- keep the person informed who initially reported the allegation of the decision made

The Chair of Governors will:

- make a dated and timed written record of the disclosure or incident causing concern if no written record has been presented to the Chair of Governors;
- inform the Local Authority Designated Officer.

The Local Authority Designated Officer will:

- work with and alongside the school when dealing with allegations against school personnel;

- call for the intervention of the police and children's care services if they feel the allegation is very serious;
- If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the Local Authority Designated Officer will immediately refer to children's social care and ask for a strategy discussion in accordance with Working Together to Safeguard Children to be convened straight away. In those circumstances the strategy discussion should include the Local Authority Designated Officer and the Headteacher.
- advise the school of the course of action if they consider the intervention by police and children's care services is not necessary;
- consult with the school what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false.

### **The Named Person in the Allegation**

The named person in the allegation will:

- be kept informed of the course of action after the initial consultation with the Local Authority Designated Officer;
- be kept informed of all stages of the investigation;
- be advised to contact their union or professional association as soon as an allegation has been made;
- be advised by their union or professional association at all stages of the investigation.

### **Suspension of the Named Person in the Allegation**

Suspension will only take place if:

- a child or children are at risk;
- the allegation is of a very serious nature;
- it will help in the smooth running of the investigation.

### **Action Following Initial Consideration**

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Headteacher to deal with it.

- In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within **three working days**.
- If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**.
- Where further investigation is required to inform consideration of disciplinary action the Headteacher should discuss who will undertake that with the Local Authority Designated Officer.
- The investigating officer should aim to provide a report to the employer within **10 working days**.
- On receipt of the report of the disciplinary investigation, the Headteacher and chair of governors should consult the Local Authority Designated Officer, and decide whether a disciplinary hearing is needed within **two working days**.
- If a hearing is needed it should be held within **15 working days**.
- In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- The Local Authority Designated Officer should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

### **Records of Allegations**

A detailed record of each allegation must be kept which clearly shows the:

- nature of the allegation
- follow-up action
- decision reached
- action taken.

Written records must be:

- kept on the person's confidential personnel file with a copy given to the person concerned
- kept for a period of 10 years.

Details of allegations that are found to be malicious (that is allegations made deliberately to deceive) will be removed from personnel records and will not be included in any future references.

In cases of an allegation being deliberately invented or malicious we will consider taking action against those who have made false accusations.

### **Role of Parents/Carers**

Parents/carers will:

- be aware of and comply with this policy;
- be aware that under section 141F of the Education Act 2002 that there is a prohibition on reporting or publishing allegations about teachers.

### **Confidentiality**

When an allegation has been made and during the investigation we will do everything possible to maintain confidentiality.

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the Staff Handbook
- the school website
- meetings with school personnel and volunteers
- reports such as the annual report to parents and Headteacher reports to the Governing Body
- information displays in school

### **Training**

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
  - All aspects of this policy
  - Safeguarding and Child Protection
  - School Personnel Code of Conduct
  - Disciplinary Procedure
  - Equal opportunities
  - Inclusion
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

### Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

### Linked Policies

- Disciplinary Procedure
- Safeguarding and Child Protection
- School Personnel Code of Conduct

### IMPORTANT TELEPHONE NUMBERS

<b>Local Authority Designated Officer</b>	Katherine Appleton <b>0151 511 7229</b> Safeguarding.unit@halton.gcsx.gov.uk
<b>ICART Children's Social Care</b>	<b>0151 907 8305</b> contactandreferralteam@halton.gcsx.gov.uk
<b>Out of Hours Social Services</b>	<b>0345 050 0148</b>
<b>Police</b>	<b>999 Urgent</b> <b>101 Non Urgent</b>

<b>Headteacher:</b>		<b>Date:</b>	
<b>Chair of Governing Body:</b>		<b>Date:</b>	