


# 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 2022
	Date of Next Review	November 2024
	Who reviewed this policy?	Head Teacher and Governors

# **ST JOHN FISHER CATHOLIC PRIMARY SCHOOL**

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

<b>Designated Safeguarding Lead</b>	<b>Nicola Dickinson</b>
<b>Deputy Designated Safeguarding Lead</b>	<b>Catherine Smith</b>
<b>Chair of Governors</b>	<b>Lesley Pearsall</b>
<b>Nominated Governor</b>	<b>Denise Cash</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 Sept 2022: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children July 2018: 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 Sept 2021(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.

### **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.

### **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the head teacher (or chair of governors where the head teacher is the subject of the allegation) – the 'case manager' – will take the following steps:

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services,

where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies

- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate

**If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details

**If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation

**If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged. If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the governing body will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **Additional considerations for supply staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome

- The governing board will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the local authority designated officer as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **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.

### **Specific actions**

#### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

#### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.



If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

## **Records of Allegations**

The 'Case Manager' will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

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

## **References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## **Confidentiality**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared

- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **Learning lessons**

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

### **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>	<a href="mailto:michelle.mcpherson@halton.co.uk">michelle.mcpherson@halton.co.uk</a> <b>0151 511 5303 / 07796187043</b>
<b>ICART Children's Social Care</b>	<b>0151 907 8305</b> contactandreferralteam@halton.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>