

**Dealing with Allegations against School Personnel, Volunteers, Headteacher or Pupils**

Date	Review Date	Designated Child Protection Teacher	Deputy Designated Child Protection Teacher	Nominated Governor

We believe this policy relates 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)
- 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 recognise that all school personnel are vulnerable to accusations of abuse because of their daily contact with children. We acknowledge that dealing with allegations against school personnel 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.

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.

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.

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We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we 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 work with other schools 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;
- responsibility for ensuring all policies are made available to parents;
- the responsibility of involving the School Council in the development, approval, implementation and review of this policy;
- nominated a link governor to visit the school regularly, to liaise with the Headteacher and the coordinator and to report back to the Governing Body;
- responsibility for the effective implementation, monitoring and evaluation of this policy

#### **Role of the Headteacher**

The Headteacher will:

- investigate all allegations against any member of the school personnel;
- 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;
- 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;

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- 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 and evaluate the effectiveness of this policy

### **Role of the Designated Child Protection Teacher**

The Designated Child Protection Teacher 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;

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- co-ordinate action within the school;
- liaise and seek advice from the Local Authority Designated Officer 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 Headteacher

### **Role of School Personnel**

School personnel will:

- comply with all aspects of this policy;
- 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 Child Protection Teacher;
- 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 Child Protection Teacher;

The Designated Child Protection Teacher 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:

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- 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;
- 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

### **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

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Details of allegations that are found to be malicious (that is allegations made to 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 the main school entrance

### **Training**

All school personnel:

- have equal chances of training, career development and promotion
- receive training related to this policy on induction;
- receive periodic training so that they are kept up to date with new information;
- receive equal opportunities training on induction

### **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.

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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 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. (See Policy Evaluation)

### Linked Policies

▪ Safeguarding & Child Protection	▪ Disciplinary Procedure
▪ School Personnel Code of Conduct	

<b>Important Telephone Numbers</b>	<b>Local Authority Designated Officer (LADO)</b>	
	<b>Social Services Referrals</b>	
	<b>Out of Hours Social Services</b>	
	<b>Police</b>	

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

## Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
			✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community

Question	Equality Groups															Conclusion													
<b>Does or could this policy have a negative impact on any of the following?</b>	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓				✓				✓				✓				✓				✓					✓		
<b>Does or could this policy help promote equality for any of the following?</b>	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
	✓				✓				✓				✓				✓				✓				✓				
<b>Does data collected from the equality groups have a positive impact on this policy?</b>	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
	✓				✓				✓				✓				✓				✓				✓				

<b>Conclusion</b>	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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<b>Preliminary EIA completed by</b>	<b>Date</b>	<b>Preliminary EIA approved by</b>	<b>Date</b>



**Phoenix School**

**Policy Evaluation**

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed				
• Policy in line with current legislation				
• Coordinator in place				
• Nominated governor in place				
• Coordinator carries out role effectively				
• Headteacher, coordinator and nominated governor work closely				
• Policy endorsed by governing body				
• Policy regularly discussed at meetings of the governing body				
• School personnel aware of this policy				
• School personnel comply with this policy				
• Pupils aware of this policy				
• Parents aware of this policy				
• Visitors aware of this policy				
• Local community aware of this policy				
• Funding in place				
• Policy complies with the Equality Act				
• Equality Impact Assessment undertaken				
• Policy referred to the School Handbook				
• Policy available from the school office				
• Policy available from the school website				
• School Council involved with policy development				
• All stakeholders take part in questionnaires and surveys				
• All associated training in place				
• All outlined procedures complied with				
• Linked policies in place and up to date				
• Associated policies in place and up to date				
<b>A statement outlining the overall effectiveness of this policy</b>				