



# RAINHILL HIGH SCHOOL

## STATEMENT OF PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF





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HIGH SCHOOL**

# **STATEMENT OF PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF**

<b>STATUS</b>	<b>STATUTORY</b>
<b>RESPONSIBLE COMMITTEE</b>	PAY & STAFFING COMMITTEE
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SCHOOLS IN PARTNERSHIP

**STEPHENSON**

MULTI ACADEMY TRUST

## Procedure for Dealing with an Allegation of abuse, while the child is in the care of the school

### Introduction

These guidelines have been produced by a working party consisting of LEA Officers and Headteachers as a result of consultation with Merseyside Police and St Helens Social Services Department. They are intended to assist Headteachers in the management of allegations of misconduct of a physical/sexual nature made against an adult.

In September 2002, the National Employers' Organisation for School Teachers (NEOST) and the Teacher Unions jointly produced guidance on Education Staff and Child Protection: 'Staff facing an allegation of abuse'. This guidance has been used as a source to inform the production of this document.

Supplementary guidance papers have been produced in January 2004, by the National Network of Investigation and Referral Support Co-ordinators. These documents are attached as appendices in order to provide additional information for Headteachers.

In all cases such allegations must be reported immediately to the Headteacher unless the Headteacher is the person against whom the allegation is made. In these circumstances, the matter should be reported to the Chair of Governors.

### NOTE:

- Y In all subsequent sections of this guidance the term 'Headteacher' is used. In a situation where the Headteacher is the subject of the allegation the Chair of Governors liaises with the LEA (who take the lead) in order to maintain an oversight of the procedures followed.
- Y Where the term 'member of staff' is used the same actions are appropriate for any adult who is working with children from the school.
- Y In the case of an allegation against any other adult who is on school premises, advice should be taken as to the appropriate course of action.
- Y Experience has shown that early and ongoing dialogue between the Headteacher and the LEA had helped to ensure that good communication is maintained between key agencies involved, and has prevented unnecessary stress for those individuals directly affected by the situation.

JANUARY 2004

Y The Personnel Manager and the Designated Officer for Child Protection work in close collaboration in this field. The Personnel Manager has the key role in relation to the management of staffing issues, and the Designated Officer for Child Protection will advise on child protection considerations.

## 1. INITIAL ACTION

- 1.1 Immediate consideration should be given to any need for medical assistance and for seeking medical evidence of suspected or alleged abuse in accordance with the child protection procedures.
- 1.2 In responding to the child, account should be taken of the age and understanding of the child and whether the child and/or others may be at risk of significant harm.
- 1.3 The Headteacher should obtain a written and dated record of all the points raised by the person making the disclosure, using where possible the child's own words. The note should be signed and include dates, times, context, locations and the names of potential witnesses. This should be retained, as it would be required in the event of any subsequent criminal or civil court proceeding. Additional guidance on listening to children is provided in the LEA handbook on Safeguarding and Protecting Children.
- 1.4 Consultation with the Personnel Manager or the Designated LEA Officer for Child Protection should take place at this stage in order to agree how to take the matter forward.

## 2. ASSESSMENT OF THE SITUATION

- 2.1 Following the initial actions, the Headteacher should undertake an initial assessment of the situation in order to clarify the context of the allegation. This is not an investigation to determine guilt or innocence, but merely to determine if the incident could have happened.

Only if the allegation is DEMONSTRABLY false would further inquiries not be warranted.

- 2.2 Such an assessment may include making enquiries of other staff or pupils on a confidential basis. For example:

- Y Were the child/young person and member of staff in contact on that day?
- Y Were there any witnesses?
- Y What were the times, dates, locations?

JANUARY 2004

NB Whilst it may be appropriate to gain contextual background information from the child and adult, it is important that on no account should the child making the allegation or the adult against whom the allegation has been made, be formally interviewed, as this can prejudice any potential police investigation. In some situations it would clearly not be appropriate to alert the adult concerned or require a written account from them.

Headteachers should preserve any evidence that may support or negate the allegation, but should not seek out medical evidence

As a result of the initial consideration, there are three potential courses of action.

- (A) Child Protection Referral to Social Services.
- (B) Disciplinary action.
- (C) The allegation is without foundation

- 2.3 If it becomes apparent at any stage of the assessment, that the incident could have happened, all inquiries into the incident **MUST** cease. Advice must be sought from the Personnel Manager or the LEA Designated Child Protection Officer. Further guidance can be found in the appendix of this document.
- 2.4 There should be early communication with parent(s)/carer(s) to inform them of the intended course of action. It is important to ensure that parents/carers are clear about the mechanisms for making a complaint if they should feel dissatisfied with the intended course of action. The discussion with parents/carers should be followed, at the appropriate time, by a letter of confirmation which parents can be asked to sign and return if they are satisfied.
- 2.5 Headteachers should be aware that other agencies may become involved if they are contacted directly by a child/parent/ carer/ witness, and this may have an effect on the course of action.
- 2.6 Advice should be sought on whether or not the adult should be made aware of the allegation. In some circumstances this could prejudice the investigation process.
- 2.7. If it is agreed that the member of staff should be made aware of the allegation, they should also be advised to contact their union. The person should be informed that whatever the initial assessment made by the Headteacher, concerns could be raised directly with police/social services by other parties (see section7). If the police/social services become involved, a Strategy Meeting will decide the course of action to be taken. The Headteacher's assessment of the situation will be communicated to Social Services, and the Headteacher will be invited to attend the meeting.

JANUARY 2004

- 2.8. Consideration should be given throughout the proceedings to the management of interactions between the parties involved in the situation. It is suggested that the Headteacher should make another senior member of staff aware of the situation (in the strictest confidence) to ensure cover in the event of the Headteacher's absence.
- 2.9. Where the allegation relates to the use of reasonable force to restrain a pupil, in accordance with the Education Act 1996 and DfEE Circular 10/98, it will be appropriate for the headteacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force would, however, need to be dealt with in accordance with the local Child Protection Procedures. The LEA is currently updating the policy for Physical Intervention, and is implementing a training programme to support schools in this area of work.
3. (A) Child Protection Referral to Social Services
- 3.1 The priority must be to determine whether the child has suffered, is suffering, or is likely to suffer significant harm. If this appears to be the case, there should be an immediate referral by the Headteacher to Social Services using existing Child Protection Procedures. The LEA Designated Officer for Child Protection should be consulted/notified. Where the Headteacher is the subject of the allegation there must be consultation between the Personnel Manager/ LEA Designated Officer and the Chair of Governors as to how to take the matter forward. Parents/carers of the child should be informed of the actions taken and consideration should be given as to whether it is appropriate for the child to remain in school.
- 3.2 As a result of such a referral, a Strategy Meeting will be called by the Police and Social Services. This meeting is set up to:
- Y Share information
  - Y Determine the need for an investigation
  - Y Allocate roles and tasks
  - Y Consider the support needs of the child and member of staff
  - Y Agree information management
- It includes representation from Police, Social Services, LEA and the Headteacher will normally be invited to attend.
- 3.3 If a child protection investigation by the Police/Social Services is to be undertaken it must take priority over any disciplinary process. This process should be held in abeyance pending the completion of the external investigation.
- 3.4 If an investigation is to take place, the St Helens ACPC Child Protection Procedures will be followed

JANUARY 2004

- 3.5 After consultation with the police, the Headteacher should inform the member of staff against whom the allegation has been made of the possible courses of action as soon as possible, and advise him/her to contact their trade union if he/she has not already done so. The support needs of the member of staff should be given careful consideration.
- 3.6 The Headteacher should inform the child, children and parents, where it is appropriate, of the possible courses of action at each stage.
- 3.7 If no further action is taken following the investigation, it may still be appropriate to consider the need for disciplinary action.
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4. (B) Disciplinary Action
  - 4.1 Any disciplinary procedure is separate from child protection investigations. Whilst the disciplinary process may be informed by child protection investigations, the child protection procedures have different objectives from the disciplinary process.
  - 4.2 An internal investigation running alongside a child protection investigation is not good practice and so, should be held in abeyance pending the outcome of any investigation by the police and social services. An external investigation must take priority.
  - 4.3 Once the external investigation is completed, the Headteacher should take advice from the Personnel Manager regarding any action to be taken in accordance with the school's disciplinary procedure. This would then require the Headteacher to conduct an investigation. If an investigation is to take place the Headteacher should inform the member of staff of the allegation and pending investigation and advise him/her to contact the relevant trade union. Support and advice will be provided by the Personnel Section.
5. Considering whether suspension is appropriate:
  - 5.1 In both situations A and B, it may be necessary to consider the suspension of the member of staff against whom the allegation has been made. Any suspension should take place in accordance with the LEA Disciplinary Procedure, and advice and support should be sought from the Personnel Manager. There should be no automatic decision to suspend, the full circumstances will be taken into account before any decision is made, as it is recognised that suspension can have a substantial detrimental effect on the adult's career and private life.

JANUARY 2004

- 5.2 Suspension may be considered at any stage of the investigation. A Change of duties/location or removal of contact with pupil may also be used as an alternative to suspension. Once again, advice should sought from the Personnel Manager.
- 5.3 A full written record of the assessment should be made, whether or not the decision is made to suspend the adult.
- 5.4 If the decision is made to suspend, the adult should be provided with a named contact person for support, advice and information.
6. (C) The Allegation is clearly without foundation
- 6.1 Following careful consideration and advice from the Personnel Manager or the LEA Designated Officer for Child Protection, it may become absolutely clear that the allegation made cannot be true.
- 6.2 In this case the Headteacher should consider the following:
- Y It should be borne in mind that if a child has made an obviously false allegation, this may be a strong indicator of abuse elsewhere which requires further exploration.
  - Y The need for counselling and/or support for the child/children/adult who made the allegation. In particular, this should take into account the needs of a child/children where a malicious allegation has been made. The LEA Designated Officer for Child Protection will assist schools in this situation, so that support can be accessed from an appropriate service.
  - Y If no further action is to be taken under disciplinary or child protection procedures, the member of staff should be informed in writing of the allegation and the fact that there will be no action. The member of staff should be allowed to have their trade union representative or a friend present at the meeting.
  - Y That the member of staff is aware of the availability of informal professional advice or counselling. The main source of counselling within the LEA is the Occupational Health Service.
  - Y The allegation may represent poor practice, and, in this case, relevant training and support should be provided.

JANUARY 2004



- Y The parents of the child should be informed in writing of the allegation, the outcome of the Headteacher's consideration, and the fact that a record has been made.
- Y If the allegation is proved to be malicious any sanctions to be applied need to be exercised with discretion according to the context of the situation and based on secure knowledge.
- Y Any sanction imposed on a pupil who has made a malicious allegation, or who perpetrates allegations that are malicious, should be consistent with the school's published Discipline Policy. Advice may be sought from the LEA Exclusions Officer.

Further guidance on managing the aftermath of unsubstantiated allegations is included in the LEA Child Protection Handbook.

6.3 For future reference, a written record should be prepared which sets out the sequence of events, actions taken and the reasons for the conclusion that the allegation is without foundation. One copy should be given to the member of staff and one retained in the Personnel file at the school. A copy should also be placed on the child's file.

6.4 In the event of repeated allegations which are found to be malicious, parents will be notified in writing on each occasion of the outcome of the headteacher's consideration and the action that has been taken in response to the allegation.

## 7. Allegation/Disclosure (involving a member of school staff) made outside the school

There are situations when an allegation is made or re-emerges outside the school setting. For example: a dissatisfied parent contacts the police; a child makes allegation to parent/ social worker/ voluntary worker.

7.1 If the allegation is made to any agency other than Social Services, the matter will be reported directly to Social Services. The social worker will inform the Team Manager who will:

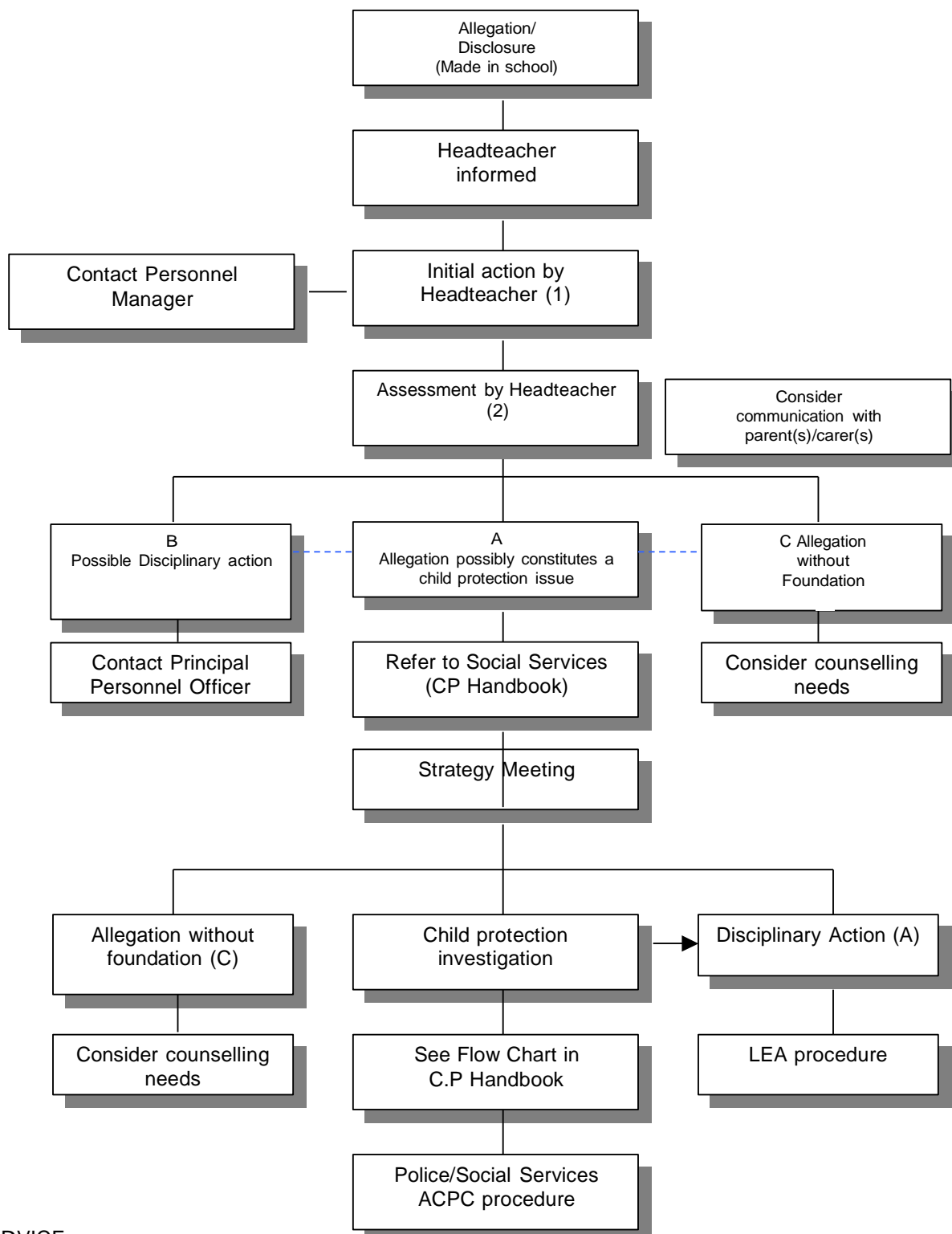
- Y Inform the police
- Y Make DIRECT contact with the Headteacher of the school
- Y Inform the Social Services Child Protection and Review Unit
- Y Inform the LEA Designated Officer for Child Protection

7.2 The Social Worker will:

- Y Check Social Services records for any relevant information
- Y Talk to the child (if this is to take place in school, parent/carer permission must be gained).

- 7.3 If the Headteacher is undertaking an initial assessment, this should be stopped pending the outcome of any Strategy meeting. The police will require all notes, as they are liable to disclosure in any criminal or civil proceedings. Records should be signed and dated, e.g. written accounts of the incident.
- 7.4 Police and Social Services will decide if and when a Strategy meeting will take place. The discussion with the Head will inform this decision, and the Head teacher will be invited to attend. A strategy meeting has a focus on the child and the course of action which will be necessary to protect the child from the danger of significant harm. The child and any child witnesses may be involved in a video interview.
- 7.5 If an investigation is to take place, this will follow the St Helens ACPC Child Protection Procedures 2000. All schools have a copy of this document.

Procedure for dealing with an allegation of abuse by an adult,  
while the child is in the care of the School - Flow Chart 1



**ADVICE**

- Personnel Advice : Angela Farrell (01744 455382), Gary Gravener (01744 5386)  
Steve Rigby (01744 455474)
- Child Protection Advice : Chris Addison (01744 455477), Geoff Tither (01744 455378)

JANUARY 2004

## Flow Chart 2

### Allegation made to outside agency outside school

