

Tower House School



CHILD PROTECTION: Staff, the Headteacher and volunteers facing an allegation of abuse. POLICY, PRACTICE AND PROCEDURE

This policy is based on guidelines which were published in 2002 by local education authorities and have been designed to apply to all staff in schools and other establishments. Appropriate references are made to recognise the distinctive arrangements for headteachers. Local reviews will clarify any particular arrangements for groups such as non-school based staff and short notice teachers.

ROLES AND RESPONSIBILITIES

Designated Teacher

The 'designated teacher' at Tower House School is the Headteacher. He has specific responsibility for co-ordinating action within the school and for liaising with social services departments and other agencies over suspected child abuse.

Nominated Governor

The nominated governor will be responsible for liaising with the Headteacher over matters regarding child protection issues to ensure that they are consistent with the Local Safeguarding Child Board (LSCB) procedures.

The nominated governor will ensure, in liaison with the Headteacher that the school has a child protection policy and procedures in place.

The nominated governor will also ensure that an annual item is placed on the governors' agenda to report on changes to child protection policy/procedures, training undertaken by the designated teacher, other staff and governors, the number of incidents/cases (without details or names) and the place of child protection issues in the school curriculum;

The nominated governor will liaise (with due regard to issues of confidentiality) with the Headteacher re allegations of child abuse.

The nominated governor will be responsible for the oversight of procedures relating to liaison with the Education Department, Social Services Departments and the Police in relation to any allegations of child abuse made against the Headteacher, including possible involvement in multi-agency strategy discussions. The nominated governor will have no direct role in undertaking child protection enquiries or criminal or disciplinary investigations or investigation of an allegation

against the Headteacher. He will be a liaison person ensuring good communication between all parties and provide information to assist any such enquiries or investigation.

Staff

Through their day-to-day contact with children, staff have a crucial role to play in noticing indicators of possible abuse or neglect and in referring concerns to the designated teacher. When a child has special educational needs, or is disabled, schools will have important information about the child's level of understanding and most effective means of communicating with the child.

Given their daily contact with children in a variety of situations, including the wider caring role, staff are vulnerable to accusations of abuse. Their relationships with pupils may lead to allegations against them being made by pupils or parents.

Those allegations may be false, malicious or misplaced and may be either deliberate or innocent of such intent. Regardless of the motives underlying any allegations, they may also be well-founded.

The police have a duty to investigate criminal offences committed against children and such investigations at Tower House School will be carried out sensitively, thoroughly and professionally.

LISTENING TO CHILDREN

Children who report to a teacher (or other member of staff) that a member of staff has abused them must be listened to and heard, whatever form their attempts to communicate their worries take.

The following points give guidance on how to deal with a child who makes an allegation:-

- The child should be listened to but not interviewed or asked to repeat the account. Avoid questions, particularly leading questions
- The child should not be interrupted when recalling significant events
- All information should be noted carefully, including details such as timing, setting, who was present and what was said, in the child's own words. The account should be obtained verbatim or as near as possible
- Care should be taken not to make assumptions about what the child is saying or to make interpretations
- Listened to means just that; on no account should suggestions be made to children as to alternative explanations for their worries
- The written record of the allegations should be signed and dated by the person who received them as soon as practicable and all actions subsequently taken should be recorded.

No member of staff should promise confidentiality to a pupil who makes an allegation. In responding to a child who makes disclosures, account should be taken of the age and understanding of the child and whether the child or others may be at risk of significant harm. While acknowledging the need to create an environment conducive to speaking freely, the member of staff should make it clear to a pupil who approaches him/her asking for confidentiality that, he/she will need to pass on what has been told so as to ensure the protection of the child(ren), in accordance with the local procedures agreed by the LSCB. Within that context, the child should then be assured that the matter will be disclosed only to people who need to know

about it. The support- needs of a boy who express concerns about significant harm will be considered and met, utilising resources within and/or beyond the school as necessary.

ACTION TO BE TAKEN BY STAFF WHO HEAR AN ALLEGATION

The member of staff receiving the allegation of abuse against another member of staff should report this immediately to the head teacher, unless the head teacher is absent, then the chair of governors should be contacted. If an allegation is made against the head, this should be reported immediately to the chair of governors, without notifying the head first. In a case of serious harm, the police should be notified from the outset.

Certain cases will need urgent action and require immediate referral under local child protection procedures, as detailed in below.

Immediately an allegation is made, as well as consulting the LEA lead officer, the head teacher (or, in cases where the allegation is against the head teacher, the nominated governor) should:-

- (a) obtain written details of the allegation, signed and dated from the person who received the allegation (not from the child who made and/or was the subject of the allegation) and countersigned and dated by the Headteacher (or nominated governor where the allegation is against the head teacher) and
- (b) record any information about times, dates, locations and names of potential witnesses.

Urgent Initial Assessment

Where an allegation (anonymous or otherwise) is made against a member of staff, there should be urgent consultation by the Headteacher with the LEA lead officer as to how to take the matter forward. Where the allegation is against the Headteacher, this consultation will be between the nominated governor and LEA lead officer.

If a child makes an allegation that is considered to be a potential criminal act, or indicates that he has suffered, is suffering or is likely to suffer significant harm, then there will be an immediate referral in accordance with the local child protection procedures established by the LSCB. If there is any doubt of these matters, then guidance/clarification will be sought from the LEA lead officer.

There will be instances where allegations made do not require referral under local child protection procedures detailed above. The LEA lead officer will be consulted if there are any doubts. Those instances are as follows:

- (i) Where the allegation relates to the use of reasonable force to restrain a pupil, in accordance with s.550A of the Education Act 1996 and DfEE Circular 10/98 it will be appropriate for the head teacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force will however need to be dealt with in accordance with the local child protection procedures as detailed above.
- (ii) Where following initial consideration it is absolutely clear to the LEA lead officer and the Headteacher (or where the allegation involved the Headteacher, the nominated governor) that the allegation is demonstrably false by virtue of the fact that the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, then again the matter can be dealt with at school level. However, in these circumstances, it should be borne in mind that if a child has made an obviously false allegation, this may well be a strong indicator of abuse elsewhere which require further exploration. The best way for this to be achieved is through an inter-agency referral in order that any underlying causes can be teased out.
- (iii) The allegation may represent inappropriate behaviour or poor practice by a

member of staff which needs to be considered under local disciplinary procedures.

Therefore, when such allegations are made, there are four possible outcomes of the initial assessment:

- Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under local child protection procedures established by the LSCB;
- Where the child has alleged that a criminal offence has been committed, then again this will be referred under local child protection procedures and the police may carry out a criminal investigation;
- 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; and
- That the allegation is apparently without foundation.

The Referral Process

The immediate priority will be to determine whether a child has suffered or is at risk of significant harm and/or in need of protection. If this appears to be the case there will be an immediate referral to local child protection agencies in accordance with the agreed procedures established by the LSCB. The responsibility for that lies with the LEA lead officer.

Where allegations of abuse are referred to the Social Service Department or the police, subsequent action will be in accordance with the local child protection procedures. Early action to establish the nature of the allegation and consideration of whether it should be investigated will be undertaken in such a way that it does not prejudice any subsequent action. There will be no interference with evidence e.g. education staff or governors will not attempt to interview children about these matters.

In cases where it is not immediately obvious that the child has suffered significant harm we consider it is still important to act quickly. It is also important to recognise that establishing whether an allegation warrants further investigation is not the same thing as deciding whether an allegation is well founded. The Headteacher (or nominated governor where the allegation is against the Headteacher) will not investigate the allegation, or interview pupils, or discuss the allegation with the member of staff, but will consider, in consultation with the LEA lead officer, whether the allegation requires further investigation and if so, by whom.

Only if the allegation is trivial or demonstrably false, will further investigations not be warranted.

Where the initial assessment by the LEA lead officer and the Headteacher (or, where the allegation is against the Headteacher, the nominated governor) concludes that the allegation warrants investigation, there will be either:

- a referral to one or more of the agencies with statutory responsibilities to make enquiries;
or
- where wholly satisfied that the child or children is/are not at risk of significant harm or that a potential crime has not been committed, an investigation under the school's disciplinary procedures.

ENQUIRIES AND INVESTIGATIONS

There are three possible types of investigation:

- (a) enquiries by social services under local child protection procedures;
- (b) related police investigations into possible criminal offences; and
- (c) the school's disciplinary procedures.

Any disciplinary process will be clearly separated from child protection enquiries and criminal investigations.

Decisions as to suspensions and/or disciplinary action are for the Headteacher/governing body.

Any investigation by the police or child protection agencies will take priority over an internal disciplinary investigation by the school.

Action after Referral to Child Protection Agencies

When an allegation has been referred through the LSCB procedures to the appropriate child protection agency any subsequent enquires will be informed by the guidance in "Working Together to Safeguard Children". This guidance recommends that there should be a strategy discussion to plan the conduct of enquiries under child protection procedures and it is essential that the LEA lead officer and, other than in exceptional circumstances, the Headteacher or designated teacher or nominated governor (where the allegation is against the Headteacher) be involved in and contribute to such strategy discussions in cases of allegations against members of staff.

The strategy discussion should also consider whether any other children are likely to have been at risk in the light of the allegation, and whether it may be necessary to review any previous allegations made against the member of staff, or to consider interviewing any other children including ex-pupils of the school or any other schools.

The Headteacher/nominated governor/LEA lead officer will balance the welfare of the accused member of staff, and the interests of the investigation taking account of the need to minimise the stress to anyone who may be wrongly accused. Staff who are the subject of allegations will be advised by the Headteacher at the earliest opportunity to contact their trade union.

POLICE INVOLVEMENT

In some cases the police might wish to interview the member of staff against whom the allegation is made before any approach is made by the Headteacher (designated teacher or nominated governor in cases where allegations involve the Headteacher). The police may act independently particularly where the alleged offence does not arise from the individual's professional duties in the school. Police officers will be given every assistance with their enquiries but confidentiality about the enquiries will be maintained in the individual's interests.

When the police are involved, we would not normally expect that police interviews would be undertaken on school premises and it would be expected that appointments will normally be made at reasonable times.

NOTIFICATION OF INTERESTED PARTIES

The police (or a view taken at the strategy discussion stage) may decide that the investigation would be hindered by an approach to parties at an early stage. The Headteacher in consultation with the LEA lead officer, must ensure there is no objection by the police before contacting any parties. Subject to there being no objection, the Headteacher (or nominated governor in cases involving allegations against the Headteacher) will:-

- (a) inform the child, children or parent making the allegation and explain the likely course of action;
- (b) ensure the parents of the child who is the alleged victim have been informed of the fact of the allegation and of the likely course of action;

- (c) inform the member of staff against whom the allegation is made and explain the likely course of action; and
- (d) inform the chair of governors/nominated governor of the school.

Where the police object to the action outlined in above, the Headteacher/nominated governor and the LEA lead officer should be informed accordingly and arrangements made to keep her informed as to when these notifications may take place or have taken place.

A written record of the action taken under this section should be made by the Headteacher (or nominated governor)

Unfounded Allegations

Where the allegation is demonstrably false, then the Headteacher (or, where the allegation involves the Headteacher, the nominated governor) will in consultation with the LEA lead officer and designated teacher:

- (a) take account of the fact that if a child has made an obviously false allegation of abuse, this may well be strong indicator of problems of abuse elsewhere which require further exploration. The best way for this to be achieved is through an inter-agency referral in order that any underlying causes can be teased out;
- (b) inform the member of staff orally and in writing of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend;
- (c) consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take;
- (d) inform the parents of the child or children of the allegation and the outcome in writing;
- (e) consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents; in particular, consider what follow up action should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously; where the allegation has been made by a person other than the alleged child victim themselves, consideration should be given to informing the parents and child of the fact of the unfounded allegation and providing support as necessary; and
- (f) prepare a report, giving reasons for the conclusion that the allegation is without foundation.

Considering whether suspension is appropriate

Decisions on suspensions are taken by Headteachers or the governing body (action by the chair in relation to 'the Headteacher must be notified to the full governing body). In cases where the nominated governor is not the chair of governors, the chair of governors will need to be involved in any suspension of a Headteacher.

Staff against whom an allegation is made will not automatically be suspended. In the case of an immediate referral to the child protection agencies immediate suspension is more likely to be appropriate. In the case where immediate referral is accompanied by consideration of disciplinary procedures, suspension may or may not be appropriate. In the case of unfounded allegations, suspension is unlikely. The Headteacher or nominated governor will consult with the LEA lead officer and consider any recommendation which may be made by the child protection agency as a result of the strategy discussion before a decision to suspend is taken.

Suspension may be considered at any stage of an investigation. Suspension is a neutral act, not a disciplinary sanction, and will be on full pay. Paid leave of absence, mutual agreement to refrain

from work, alternative duties/locations or removal from contact with pupil may also be used as an alternative to suspension.

Suspension should not be undertaken without good reason. Circumstances in which suspension properly occurs include:-

- (a) where a child or children is/are at risk;
- (b) where the allegations are so serious that dismissal for gross misconduct is possible; and
- (c) where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

In all cases where suspension is being considered, the Headteacher or nominated governor should advise the individual to seek assistance from his or her trade union.

Suspension Interview

Where suspension is being considered, an interview will be arranged. Normally, the interview will be undertaken outside pupil contact time. The Headteacher (or, in cases where the allegation is against the Headteacher, the nominated governor) will consult with and seek advice from the LEA lead officer.

Where the police are involved in a criminal investigation, any interview arranged, where suspension is considered, will not be conducted without prior consultation with the officer in charge of the case. Where there is no police involvement, an interview will be arranged in accordance with the following procedures.

When called to an interview where suspension is a possible outcome the member of staff will be advised to seek the advice and assistance of his or her trade union. A person who is not a member of a trade union may be assisted by a friend. He/she, where accompanied, will be offered the opportunity of a brief meeting with the representative or friend before the interview.

In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the interview will not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it will be established that the action being taken is not an attack on the functions of a trade union.

The member of staff will be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It will be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.

The member of staff will be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation.

This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension.

The member of staff will be given an opportunity to make such representations after the information has been given and the reasons for any proposed suspension made out. A brief adjournment will be offered to the member of staff prior to a response.

If, as a result of the interview, it is considered by the Headteacher/chair of governors that suspension is necessary along with a full investigation of the allegation, the individual will be advised that he or she is suspended from duty.

Written confirmation of the suspension will be sent within one working day, giving reasons for the suspension.

Action after a Decision to Suspend pending Investigation

Where a member of staff has been suspended, the chair of governors and Chief Education officer will be informed of the suspension formally, in writing. Where the Headteacher is suspended, the chair of governors should inform the Chief Education officer. In all cases a report will be made to the governing body that a member of staff has been suspended pending investigation.

The pupil or parent making the allegation will be confidentially informed of the suspension.

Senior teachers in the school who need to know of the reason for the suspension will be informed so far as is necessary in the particular circumstances. The Headteacher/acting head teacher will take a decision on informing other staff colleagues in the school of the suspension.

SUPPORT FOR STAFF DURING SUSPENSION

The suspended member of staff will be given the name of an LEA officer as an information contact. The main role of the contact person is to provide information as to the progress of the investigation. Social contact with colleagues and friends at the school will not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal investigations or disciplinary processes.

Although it is the aim that all investigations will be conducted as speedily as possible consistent with establishing the full facts, arrangements will be made for the individual, or his or her representative, to be contacted regularly with information on progress and developments on the case. These arrangements will not preclude him/her, or his or her representative, contacting those conducting the investigation at any time.

According to the needs and wishes of the member of staff to be kept informed, a colleague contact will also be in a position to provide information about developments at the school in general.

In some cases, we may think it appropriate to ask whether welfare counselling or the support of the LEA's medical adviser would be helpful, and we would respond to a request for such further support.

Support for Others

Support will be needed for the child or children making the allegations and their parents. Consideration will be given to the form such support should take. Consideration will also be given as to what support may be needed for others at the school, both staff and pupils, according to the circumstances of the alleged abuse.

In some cases, therapeutic counselling from expert sources may be necessary.

Action where the Decision is not to Suspend

The Headteacher/nominated governor (in cases where the allegation is against the Headteacher) will explain the circumstances which led to consideration of suspension and further explain any follow-up action which it is proposed to take. The member of staff may be accompanied by a trade union representative or friend. According to the circumstances of the case, appropriate

assistance or advice may be offered. The Headteacher/nominated governor will seek to establish what support, if any, is required and, where appropriate and acceptable to the member of staff will seek advice from the LEA lead officer. According to circumstances, appropriate counselling services will be considered.

If a member of staff has not been suspended but there are concerns about aspects of his/her conduct, a full investigation will be undertaken before making a decision about further action under disciplinary procedures.

OUTCOME OF DISCIPLINARY INVESTIGATION

At the end of the investigation, a meeting will be arranged to inform the member of staff of the next steps. He/she may be accompanied or represented by a trade union representative or friend.

If the outcome is a disciplinary charge, further action will be in accordance with the school's disciplinary procedures and will happen after child protection enquiries

If the individual has been suspended and it is later decided not to proceed with any form of disciplinary action or to dismiss, the suspension will be lifted immediately. The Headteacher/nominated governors will meet the member of staff to discuss the arrangements for their return to work.

Other than in the event of dismissal, the school will provide the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and help, where necessary, to rebuild confidence. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the local education authority.

On the conclusion of any investigation and any related disciplinary proceedings, the child or children who made the allegations and their parents will be informed of the outcome of the proceedings. This will be prior to the person's return to school if he or she has been suspended. In some circumstances, consideration will be given to the broader disclosure of details of the outcome, together with reasons, for example, where the issues are of general importance, have become common knowledge or have been the subject of general gossip and there is a need to provide accurate details for public information.

Appropriate counselling and support will be offered to the child or children who made the allegations and, where appropriate, their parents, by the time the member of staff returns to school. In particular, this will take into account a child's particular needs where a false or malicious allegation has been made.

RECORDS

Documents relating to an investigation will be retained, in a secure place by the school, together with a written record of the outcome of the investigation and, where disciplinary action has been taken, retained on the member of staff's personal and confidential file in accordance with the school's disciplinary procedures.

If the member of staff is dismissed, or resigns before a disciplinary process is completed, he/she will be informed about the employer's statutory duty to report the ISA Teachers' Misconduct Section, for consideration for their debarring from further employment.

Where a pupil has made an allegation, a copy of the statement or the record made of it will be kept on the section of a pupil's personal file which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure; and, therefore, no assurances can be given of confidentiality.

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