

## Pownall Hall School

***'Pownall Hall School is committed to co-education and aims to provide a caring, disciplined, safe and secure family environment, where all pupils are enabled and encouraged to maximise their academic, sporting, musical and creative potential. The School aims to instil traditional values of courtesy, good manners, mutual respect, tolerance and compassion in its pupils and help them develop self discipline and good working habits for the future. The all round personal development of each and every pupil lies at its heart.'***

### **3b - GUIDANCE ON PROCEDURES WHEN A MEMBER OF STAFF, VOLUNTEER, DESIGNATED PERSON FOR SAFEGUARDING OR THE HEADMASTER FACES ALLEGATIONS OF ABUSE**

*This document forms part of Pownall Hall's safeguarding policies and should be read in conjunction with the school's Safeguarding Policy.*

#### **INTRODUCTION**

Allegations that a member of staff, volunteer, designated person for safeguarding or the Headmaster has abused a pupil or pupils either inside the school premises or during a school trip or visit could be made by:

- Parents
- The abused pupil
- Other members of staff
- Other pupils
- The Police or Social Services
- A third party

An allegation of such seriousness would normally be made directly to the Headmaster; but if another member of staff is told first, he/she will ensure that the Headmaster is informed immediately.

If the Headmaster is unavailable – or is involved - the Chairman of Governors should be told at once.

#### **ANONYMOUS ALLEGATIONS**

If we are faced with an anonymous allegation of child abuse which names both a member of staff and a child, we will handle it in exactly the same way as if we knew the identity of the person making the allegation. Where the allegation names the member of staff, but not the pupil, we will normally interview the member of staff, and ask for his or her version of events before proceeding further with any investigation.

## PROCEDURE:

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity, has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates they would pose a risk of harm to children.

The Designated Officer will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The employer should seek advice from the Designated Officer, the police and / or LA children's social care about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

We will respond promptly and sensitively to the legitimate concerns of the victim and his or her family. We undertake to:

- Take any allegation of abuse, involving a member of staff, very seriously,
- Establish the facts before jumping to any conclusion,
- Inform the member of staff concerned honestly of the allegation that has been made, and advise him or her to contact their Trade Union or Professional Association for advice and support,

- Inform the child’s parents in confidence, inviting them to maintain confidentiality whilst the investigation takes place. **N.B. In cases where a strategy discussion is required with the local authority designated officer (LADO), or police or local authority children’s social care services need to be involved, the parents should not be informed until those agencies have been consulted and have agreed what information can be disclosed to the parents.**

### THE NEXT STEP

Although a formal investigation is a matter for specialists, where the facts suggest that there may be reasonable grounds for suspecting actual abuse, or grooming of a child, or other criminal behaviour, we will always:

- Invite the police to conduct the investigation,
- Involve the Local Safeguarding Children Board (LSCB),
- Consider suspending the member of staff (or volunteer) concerned.

| <b><u>Cheshire East Emergency Contact Numbers</u></b>   |
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| Children’s Assessment Team (Children’s Social Care) : 0300 123 5012<br>(Mon-Thurs 8.30 a.m. – 5pm or Fri 8.30 a.m. – 4.30 pm) |
| Out of Hours Service: 0300123 5022  |
| Safeguarding Advisor for Early Years Settings: 01606 275039   |
| LADO Service: (allegations against staff) 01606 288931  |
| Police: 0854 458 0000   |
| OfSTED: 0300 123 4666   |

### LENGTH OF INVESTIGATORY PROCESS

We recognise that everyone’s interests are served by completing any investigatory process as swiftly as possible. Pownall Hall School is a small community and we will aim to spend as little time as is compatible with fair and impartial processes on the investigatory process. We would expect almost every case to be completed within one month.

### SUPPORT FOR THE PUPIL

Our priority is to safeguard the young people in our care. We will give all the support that we can to a pupil who has been abused. The Headmaster, the school’s Senior Designated Person (SDP), together with the school’s Deputy Designated Person (DDP), will consider how best to support and monitor the

pupil concerned through any process of investigation, liaising closely with parents, guardians, Local Safeguarding Children Board (LSCB), or other agencies involved to identify the support strategies that will be appropriate.

### SUPPORT FOR THE MEMBER OF STAFF

We recognise fully that we have a duty of care towards all of our staff, and we will always:

- seek to manage and minimise the stress inherent in the allegations and disciplinary process.
- inform the individual of the allegation as soon as possible, giving an explanation of the likely course of action (unless there is an objection by the local authority social care services or the police).
- advise him or her to contact their trade union representative, if they have one, or a colleague for support.
- appoint a named representative to keep him or her informed of progress of the investigation and consider what other support is appropriate for the individual.
- keep an open mind until a conclusion has been reached.

### Suspension

Suspension of a member of staff is a neutral act and does not imply that any judgement has been reached about his or her conduct. Even so, it is a serious step, and we will take legal advice beforehand, and will normally only suspend a member of staff where there is no reasonable alternative and:

- there is a serious risk of harm (or further harm) to the child,
- the allegations are so serious as to constitute grounds for dismissal, if proven,
- the police are investigating allegations of criminal misconduct.

Where a member of staff is likely to be suspended, he or she will be interviewed and the course of action discussed. Any member of staff who is invited to attend a meeting whose outcome is likely to result in his or her suspension is entitled to be accompanied by a friend or trade union representative.

**Any suspension will be followed up with a written confirmation, which will be dispatched within one working day, giving the reasons for the suspension.** The member of staff will be informed at this point who their named contact is within the school and provided with their contact details.

Accommodated staff who are suspended will be required to remain off-site for the duration of their suspension.

### Alternatives to suspension

We will always consider whether an alternative to suspension might be appropriate. Possibilities include:

- sending the member of staff on leave,
- redeployment so that he or she does not have direct contact with the child concerned.
- ensuring that a second adult is always present in the classroom when he or she teaches.

## CONFIDENTIALITY

We will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. We will take advice from any relevant welfare agencies and, if necessary, the police to agree the following:

- what information can be shared, and with whom;
- how to manage speculation, leaks and gossip;
- what information, if any, can be reasonably given to the wider community to reduce speculation;
- how to manage media interest if it should arise.

## IF THE MEMBER OF STAFF RESIGNS

The resignation of a member of staff or volunteer mid-way through an investigation would not lead to the investigation being abandoned. Our policy is always to complete every investigation into allegations of child abuse.

## COMPROMISE AGREEMENTS

Our policy is to follow the DFE guidance set out in “Keeping Children Safe In Education” (2014) on the use of compromise agreements in cases of child abuse which is:

*“If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS must be made, if the criteria are met – see paragraph 73.** If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the school or college from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school or college would not be complying with its legal duty to make the referral”.*

## REFERRAL TO THE INDEPENDENT SAFEGUARDING AUTHORITY

Like all schools, we have a statutory legal duty to refer an individual, where there is the risk that he or she may harm, or has caused harm to children, to the Independent Safeguarding Authority (ISA) within one month of the individual’s dismissal or resignation because he or she has been considered unsuitable to work with children. Reports concerning members of staff or volunteers are normally made by the SDP. If the SDP, who is the Headmaster, is involved, the report is made by the Chairman of Governors.

The referral form can be downloaded from the ISA website on ([www.isa.gov.org.uk](http://www.isa.gov.org.uk)). The school plays no part in the subsequent process of barring individuals from working with children and/or vulnerable adults. We also have a legal duty to respond to any requests for information that we receive from the ISA at any time.

The school will also consider making a referral to the National College for Teaching and Leadership (NCTL) where a teacher has been dismissed (or would have been dismissed had he/she not resigned) and a prohibition order may be appropriate.

### RECORDING ALLEGATIONS OF ABUSE

We will record all allegations of abuse, and our subsequent actions, including any disciplinary actions.

If an allegation is substantiated, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, accompanied by a note of any action taken and decisions reached, will be kept on the individual's file. A copy will be given to the individual and he or she will be told that the record will be retained until he or she reaches statutory retirement age, or for ten years, if that is longer.

Details of allegations which are unfounded or malicious will be removed from an individual's file and will not be referred to in employer references. A history of repeated concerns or allegations which have been unsubstantiated or malicious will not be included in any references

### HANDLING UNFOUNDED OR UNSUBSTANTIATED ALLEGATIONS

#### The Pupil

A child who has been the centre of unfounded or unsubstantiated allegations of child abuse needs professional help in dealing with the aftermath. We will liaise closely with the LSCB to set up a professional programme that best meets his or her needs, which may involve an Educational Psychologist, as well as support from a counsellor in the school or a professional counsellor as required.

We shall be mindful of the possibility that the allegation of abuse was an act of displacement, masking abuse that is actually occurring within the child's own family and/or community.

However much support the child may need in such circumstances; we need to be sensitive to the possibility that the aftermath of an unfounded allegation of abuse may result in the irretrievable breakdown of the relationship with the teacher. In such circumstances, we may conclude that it is in the child's best interests to move to another school. We would do our best to help him/her to achieve as smooth a transition as possible, working closely with the parents or guardians.

Where a pupil is found to have made a malicious allegation against a member of staff, appropriate sanctions will be considered; these may include temporary exclusion from school or a pupil being asked to leave the school.

#### The Member of Staff

A member of staff could be left at the end of an unfounded or unsubstantiated allegation of child abuse with severely diminished self-esteem, feeling isolated and vulnerable, all too conscious that colleagues might shun him/her on the grounds of "no smoke without fire". If issues of professional competency are involved, and though acquitted of child abuse, disciplinary issues are raised; we recognise that he or she is likely to need both professional and emotional help. We will undertake to arrange a mentoring programme in such circumstances, together with professional counselling outside the school community. A short sabbatical or period of re-training may be appropriate.

## ALLEGATION OF ABUSE OF A CHILD WHO IS NOT A PUPIL AT THE SCHOOL

If we were given information that suggested that a member of staff was abusing a child who was not a pupil at Pownall Hall School, we would immediately pass such information to the Local Safeguarding Children's Board (LSCB) to handle. We would then interview the member of staff and formally advise him/her of the allegations, making it clear that the school would not play any part in the investigatory process. He or she would be advised of the possibility of facing suspension in exactly the same way as if the allegation had involved a school pupil. If the allegation subsequently proved to be unfounded, he or she would be given full support by the school in resuming his/her career.

## ALLEGATIONS INVOLVING THE HEAD (SDP)

The Chairman of Governors should be told at once by the Deputy Designated Person (DDP) of any allegation involving the Headmaster. She will obtain legal advice before proceeding to the steps outlined above. The Headmaster will normally be suspended for the duration of the investigatory process and asked to vacate his school residence, and one of the Senior Leadership Team will be made acting Head until the conclusion of the investigation and resolution of the issue.

The Headmaster should similarly be told at once of any allegation involving the DDP. The Chairman of Governors should normally be informed on the same day, and legal advice obtained. The DDP will normally be suspended for the duration of the investigatory process. Another member of the Senior Leadership Team should be made acting DDP until the conclusion of the investigation and resolution of the issue.

## EYFS

This whole school policy applies to the EYFS, after school care group and holiday clubs that use our premises.

Any allegation of serious harm or abuse by any person living, working or looking after children on our premises will be reported to Ofsted.

## Monitoring and Review

The Chair of Governors, the Governing Body and the Sub-Committee for Safeguarding will monitor this policy and review it annually.

**Approved by Governors:**

**November 2017**

**Signed:**

**Date**

**Review Date: November 2018**

References:

- A: Reference Guide to the key standards in each type of social care service inspected by Ofsted (Reference 080117) [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- B. ISI Handbook: The Regulatory Requirements (0917) [www.isi.net](http://www.isi.net)
- C “The Statutory Framework for the Early Years Foundation Stage 2014” ([www.education.gov.uk](http://www.education.gov.uk))
- D. “Keeping Children Safe In Education” DFE guidance, 2016
- E. “Managing the Aftermath of Unfounded and Unsubstantiated Allegations” IRSC Guidance 2005 ([www.education.gov.uk](http://www.education.gov.uk))
- F. “Every Child Matters: Change for Children in Schools” DCSF guidance, 2005.
- G. SCIS: “Child Protection Guidelines “June 2006 ([www.scis.org.uk](http://www.scis.org.uk))
- H. Staff Subject to Allegations – Thresholds for and Alternatives to Suspension” IRSC guidance ([www.education.gov.uk](http://www.education.gov.uk))
- I. “School Staff as Police Officers”: An ISBA briefing document by Farrer & Co, Oct 2006
- J. “An Employer’s duty to refer Information” An ISA fact sheet of October 2007
- K. “Information Sharing: Guidance for practitioners and managers” DCSF guidance, October 2008 [www.education.gov.uk](http://www.education.gov.uk)