

12. Allegations Against School Staff

These relate to: a member of staff who 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/children in a way that indicates he/she is unsuitable to work with children.

Our aim is to provide a safe and supportive environment which secures the well-being and very best outcomes for the children at our school. We do recognise that sometimes the behaviour of adults may lead to an allegation of abuse being made. Allegations sometimes arise from a differing understanding of the same event, but when they occur they are distressing and difficult for all concerned. We also recognise that many allegations are genuine and there are some adults who deliberately seek to harm or abuse children.

Teachers and school staff must protect themselves, and staff should bear in mind that even perfectly innocent actions can sometimes be misconstrued. Children may find being touched uncomfortable or distressing for a variety of reasons. It is also important not to touch pupils, however casually, in ways of, or on parts of the body, that might be considered indecent. See also Staff Handbook, Part 8 Teaching Manual guidance section 12.35 '*Appropriate Physical Contact and the Use of Force to Restrain Pupils*'.

The Sexual Offences Act (Amended) 2003 states that it is a criminal offence for a person aged 18 or over in a position of trust in a school to engage in any sexual activity with a person under the age of 18 (in that school) irrespective of the age of consent, even if the basis of their relationship is consensual. In circumstances which involve an allegation against a member of staff, the responsibility for dealing with the matter lies with the Headmaster.

- Allegations against staff, Gap students or volunteers should be reported immediately to the Head or to Children's Services, but you must keep the Designated Safeguarding Lead informed. If the Head is absent, the allegation should be passed to the member of staff acting as Head. If the allegation concerns the Head, the person receiving the allegation should immediately inform the Chair of Governors without notifying the Head first. If the allegation is against the DSL it should be reported to the Head. In the case of serious harm, the police should be informed from the outset. This will always be in accordance with the statutory DfE guidance and Norfolk Safeguarding Children's Board Protocol 27, and in such matters the School will also inform and seek advice from the LADO.

Immediate suspension of the member of staff is only one of a number of options, which will be considered. Others include leave of absence, or providing a classroom assistant or colleague to be present in contact time. A member of staff in such circumstances will be advised of appropriate support, for example from his/her trades union, or a colleague contact.

- In the event of a member of boarding staff suspended pending investigation of a child protection nature, the School will ensure that satisfactory alternative accommodation arrangements have been made.
- In the event of an allegation being made against a teacher, the Head will immediately whether take advice from and refer the matter to the Local Authority Designated Officer (LADO), Ancil Gerber (01603 223473). The School will not undertake its own investigations without prior consultation with the LADO.

- The role of the LADO is to give advice and guidance, liaise with the DSL, the Head, the Police and other agencies as necessary, and to oversee, manage and monitor the progress of the case to ensure that it is dealt with as quickly as possible consistent with a thorough and fair process.
- If the Head is wholly satisfied that the child or children is/are not at risk of significant harm and that a reportable criminal offence has not been committed, he will consider the separate need for disciplinary action. In that case, an investigation at School level would be necessary.
- There is a requirement of the School to report to the Disclosure and Barring Service (DBS), within one month of leaving the School any person (whether employed, contracted, a volunteer or student) whose services are no longer used because he or she is considered unsuitable to work with children. Failure to make a report constitutes an offence.
- In the above context, ceasing to use a person's services includes: dismissal, non-renewal of a fixed-term contract, no longer engaging/refusing to engage a supply teacher provided by an employment agency, terminating the placement of a student teacher or other trainee, no longer using staff employed by contractors, no longer using volunteers, or resignation and voluntary withdrawal from supply teaching, contract working, a course of initial teacher training or volunteering.
- There are restrictions on the reporting or publishing of allegations against teachers and every effort will be made to maintain confidentiality and guard against unwanted publicity. These restrictions apply up to the point where the accused person is charged with an offence, or the DfE/NCTL publish information about the investigation or decision in a disciplinary case.
- As an independent School, we are also under a duty to 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. The reasons such an order would be considered are: "unacceptable professional conduct", "conduct that may bring the profession into disrepute" or a "conviction at any time, for a relevant offence". Further guidance is published on the NCTL website. Where a dismissal does not reach the threshold for DBS referral separate consideration will be given to an NCTL referral.
- Occasionally false allegations of abuse are made. To avoid as far as possible such an allegation, and situations which may give rise to misinterpretation, staff should be guided by the following advice:

- Avoid whenever possible unobserved situations of one-to-one contact with a child. If they are unavoidable, always keep a door open and try to ensure you are within the hearing of others. The exception is one-to-one music lessons which take place in sound-proofed rooms, these rooms have a clear glass panel in the door and clear windows, with music lesson timetables with teachers' names clearly displayed in the department.

- Do not offer to transport children alone in your car without seeking advice and telling another colleague that this is what you propose to do.

- Do not engage in or allow any sexually provocative games whether based on talking or touching or engage in 'horseplay' involving children.

- Never make suggestive remarks or discriminatory comments to a child.

- Do not enter a room where a child may be changing his/her clothes or not be fully dressed without first getting his/her clear consent to enter.

- Never engage in inappropriate electronic communication (such as Facebook or Twitter, etc.) with a pupil.

- Avoid 'favouritism' and singling out 'troublemakers'.

- Never trivialise child abuse.

Also see Handbook Part 5 *Staff Conduct* and Part 8 Section 12.34 *Appropriate Physical Conduct and the Use of Force to Restrain Pupils*.