

Allegations against staff and volunteers working in school

What is an allegation against a member of staff or volunteer?

An allegation is defined as where:

'it is alleged that a person working with children or young people (including a volunteer) 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; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

What procedures are followed when an allegation is made?

All allegations are responded to in accordance with North Yorkshire Safeguarding Children Board procedures which are in line with HM government guidance *Working Together to Safeguard Children 2010* & DfE guidance *Dealing with Allegations of Abuse against Teachers and other Staff 2011*.

In practice, this means that all allegations should be reported to the Headteacher (or chair of governors/proprietor when the allegation is against the Head) who should discuss this with the Local Authority Designated Officer for allegations against staff/persons working with children. If the allegation fits the above criteria a meeting will take place with Children's Social Care (formerly Social Services) and the Police to discuss if/ how the allegation will be investigated.

Are most allegations malicious?

Adults or children may maliciously invent allegations in an attempt to evade responsibility for an injury or incident in which they were involved or to discredit a member of staff. However, DfES national audits of allegations against staff in Education have shown that deliberately invented and malicious allegations against staff are **extremely rare**.

Allegations can be invented but not necessarily deliberately and maliciously (e.g. a child with a black eye, when asked how it happened, may find it easier to say a teacher did it, rather than his/her parent.) Whenever children make up allegations we always consider the reasons for this e.g. to give voice to a personal concern or experience somewhere else within their lives.

Other allegations may be 'false' but not invented or malicious e.g. a parent or child who is not aware of the circumstances where staff can physically intervene with children or where staff behaviour with innocent intent is perceived as possible grooming.

Allegations are categorised as:

Substantiated i.e. there is evidence that, on the balance of probabilities it is more likely that the incident happened than did not happen

Unsubstantiated i.e. insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded i.e. there is evidence that disproves the allegation.

Deliberately invented/ malicious i.e there is evidence that not only disproves the allegation, but also proves a deliberate intent to deceive.

Are most allegations sexual?

No, DfES audits show that around 2/3rds of allegations relate to physical abuse/ inappropriate handling and around 1/3rd are of a sexual nature.

How can we reduce the risks of an allegations being made/unfounded allegations being quickly identified?

Have appropriate policies/guidance documents and training in place including for Child Protection, Physical Intervention and Safe Working Practice (and ensure that staff put these into practice!). We recommend that schools adopt the document "Safe Working Practice" which is available on the N.Yorks. Learning Net. Make parents and children aware of the policies.

If an allegation is made against me will I be immediately suspended and prevented from having contact with colleagues?

Working Together 2010 states that suspension should be considered in all cases where:

- there is cause to suspect a child is at risk of significant harm, or
- the allegation warrants investigation by the police, or
- it is so serious that it might be grounds for dismissal

Additionally, suspension will be considered if there is reasonable cause to suspect that, if not suspended, the staff member may interfere with a disciplinary investigation Whilst suspension is a neutral act, often staff who are suspended find this very difficult.

DfE Dealing with Allegations of Abuse against Teachers and other Staff 2011 states: "The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases that will require the school or FE college to consider suspending the person until the case is resolved. Suspension must not be an automatic response when an allegation is reported. If the school or FE college is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone.

Schools and FE colleges should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision

regarding the suspension and possibly reducing the initial impact of the allegation. This will however, depend upon the nature of the allegation. Schools and FE colleges should consider the potential permanent professional reputational damage to teachers that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within **one working day**, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.”

The power to suspend is vested in the proprietor of the school, or the governing body of the school or FE college who are the employers of staff at the school. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

Staff who are suspended are rarely prevented from having contact with colleagues but very often are asked not to discuss the case with them.

What should I do if I am concerned about the behaviour of a colleague?

Staff and volunteers must bring concerns to the attention of their managers (in accordance with Whistle-blowing policies).

Where can I get further information?

North Yorks Education Safeguarding and Child Protection Managers/ LADOs:

North & White Horse

Karen Lewis 01609 534200 karen.lewis@northyorks.gov.uk

Harrogate & Craven

Rosemary Cannell 01609 534974 rosemary.cannell@northyorks.gov.uk

Central Vale & Coast

Claire Hamilton 01609 535646 Claire.hamilton@northyorks.gov.uk

North Yorkshire Safeguarding Children Board Procedures
www.safeguardingchildren.co.uk

HM Govt guidance: Working Together 2010 www.workingtogetheronline.co.uk

DfE guidance Dealing with Allegations of Abuse against Teachers and other Staff
2011

<https://www.education.gov.uk/publications/standard/SchoolsSO/Page2/DFE-00061-2011>