

Wicklewood Primary School and Nursery



Allegations made against school staff guidance

Responsible Person

The person for the updating of this policy is: The Headteacher

Review and Monitoring

This policy will be reviewed every year by the Full Governing Body.

Reviewed:

Signed: M. Talbot (Chair)

Date: Spring 2021

Signed: J. Brooks (Headteacher)

Date: Spring 2021

Next Review due: Spring 2022

Statement of intent

Wicklewood Primary School and Nursery takes its responsibility of care for pupils seriously. We will thoroughly investigate allegations of abuse against staff – this will be done in a fair way that does not prejudice either the pupil or the member of staff. Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

The stipulations within this policy apply to all staff (including supply staff) and volunteers currently working in school, irrelevant of whether the school is the location of the abuse. Allegations against a teacher who is no longer teaching will be referred to the police, along with any historical allegations.

Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- DfE (2021) 'Keeping children safe in education (2020)'
- DfE (2018) 'Working Together to Safeguard Children'

This policy operates in conjunction with the following school policies:

- Safeguarding Policy
- Behaviour Policy
- Disciplinary Policy and Procedure
- Whistleblowing Policy

The statutory guidance entitled *Keeping children safe in education* applies under Section 175 of the Education Act 2002, the Education (Independent School Standards (England) Regulations 2010 as amended by SI 2012/2962 and the Education (Non-Maintained Special schools) (England) Regulations 2011. Schools must have regard to it when carrying out their duties to safeguard and promote the welfare of children. It should be read in conjunction with 'Working together to safeguard children'. Links to both of these documents can be found under weblinks in the 'Allegations of abuse' section of HR InfoSpace.

In addition, procedural guidance is outlined in the 'Norfolk Local Safeguarding Children's Board (NSCB) 'Allegations against persons who work with children' procedure. That procedure (section 8.3) gives guidance to schools on how to comply with the 'Keeping children safe in education' document.

Definitions

Significant harm: This is the threshold where compulsory social care intervention must take place – this was introduced by the Children Act 1989. Harm includes not only ill-treatment (including sexual abuse and non-physical forms of ill treatment), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development.

Abuse: Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children, and abuse can be either physical, sexual, emotional harm, or a form of neglect. The definitions of different types of abuse are below:

- **Physical abuse:** A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces, illness in a child.
- **Emotional abuse:** The persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that

they are worthless, unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

- **Sexual abuse:** Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, and rubbing and touching the outside of clothing. They may also include non-contact activities, such as involving children in looking at, or the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- **Neglect:** The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Position of trust: Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

The following definitions will be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Publication: Any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.

Procedure for handling allegations of abuse

Schools should follow the Norfolk Local Safeguarding Board 'Allegations against persons who work with children' procedure (Section 8.3 of the NSCB policies and procedures manual on the NSCB website) when allegations or concerns of abuse are identified. A link to this document can be found under weblinks in the 'Allegations of abuse' section of HR InfoSpace.

The Local Authority Designated Officer for Child Protection

The Local Authority Designated Officer (LADO) plays a key role in the process of dealing with allegations of abuse against staff.

The LADO for Norfolk schools can be contacted by telephone on 01603 307797.

HR support

At appropriate stages in the process for dealing with allegations of abuse, support can be obtained from Educator Solutions HR Services by telephone on 01603 307760 or by emailing HRenquiry@educatorsolutions.org.uk. Particularly during any internal investigation stage and, if there appears to be foundation to the allegations, through the disciplinary process, schools are strongly advised to involve their allocated HR Consultant to ensure that the various procedures are adhered to and that the rights of staff are recognised and met.