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Consultation – summary of responses

Revised guidance on safeguarding children in education

Chapter 6: 'Responding to allegations of abuse against
teachers and other staff'

Date of issue: **May 2014**

Revised guidance on safeguarding children in education

Audience	All schools, including independent schools and pupil referral units; local authorities; governing bodies; further education institutions; Local Safeguarding Children Boards.
Overview	This document summarises the responses received to chapter 6 of a consultation on safeguarding children in education (handling allegations of abuse against teachers and other staff).
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Diverse Learning and Safeguarding Branch Support for Learners Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 5010 e-mail: SafeguardingChildreninEducation@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations
Related documents	<i>Safeguarding Children: Working Together Under the Children Act 2004</i> (2004) <i>The All Wales Child Protection Procedures</i> (Children in Wales, 2008)

Contents

Introduction	2
Overview of consultation responses	3
Next steps	6
List of respondents	7

Introduction

The Framework for dealing with allegations of abuse against a person who works with children is set out in Safeguarding Children Working Together Under the Children Act 2004. <http://wales.gov.uk/topics/childreneyoungpeople/publications/safeguardingunder2004act/?lang=en>

There is currently no standalone statutory guidance on dealing with allegations of abuse against teachers and other staff.

In August 2013 the Welsh Government undertook a consultation on revised guidance on Safeguarding of Children in Education. Chapter six of that guidance contained specific guidance on handling Allegations of Abuse against teachers and other staff.

The Welsh Government intends to issue that guidance as standalone statutory guidance to schools, further education institutions and local authorities on handling allegations of abuse against teachers and other staff, taking into account consultation responses.

This report therefore relates specifically to responses to that section of Chapter six of the draft Safeguarding Children in Education guidance which deals with handling allegations of abuse against teachers and members of staff. This report is based on the 27 responses to that section of the guidance. The Department for Education and Skills is in the process of considering responses to the wider consultation on Safeguarding Children in Education and a summary of responses and new guidance is forthcoming.

Throughout this report, percentages are expressed as a measure of those responding on particular issues, not as a measure of all respondents.

The organisational breakdown of the 27 respondents was as follows:

Local authorities	8	30%
LSCBs	3	11%
Teaching Unions	5	19%
Further Education	2	7%
General Teaching Council for Wales	1	4%
Estyn	1	4%
Governors Wales	1	4%
Voluntary Organisations	4	15%
Other	2	7%

A copy of the full consultation document can be accessed at:

<http://wales.gov.uk/newsroom/educationandskills/2013/7782716/?lang=en>

Overview of consultation responses

27 responses were received to the consultation on the section of chapter 6 of the Safeguarding Children in Education Guidance which deals specifically with handling allegations of abuse against teachers and other staff. Responses were overall positive. Respondents commented that the guidance gives a clear explanation of the process for handling allegations of abuse against teachers and other staff, that the information provided is useful and that it provides an important balance between protecting the rights of vulnerable children and young people from those who might abuse their position of trust and the need to ensure that where allegations are made against teachers and members of staff that involve issues of child protection the member of staff is treated fairly and proportionately.

Respondents raised a number of issues which fell into the clear themes set out below:

Definitions to be used when determining the outcome of allegation investigations

Two respondents requested a definition of the term 'demonstrably false'.

Welsh Government Response

The guidance has been amended to include a definition of 'false'. We have also included definitions to be used when determining the outcome of other allegation investigations as follows:

- (a) Substantiated: there is sufficient evidence to prove the allegation;
- (b) False: there is sufficient evidence to disprove the allegation;
- (c) Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- (d) Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- (e) Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Definition of 'case manager'

Several respondents (3) were unclear about who the 'case manager' was or considered that the introduction of the new title of case manager is potentially confusing.

Welsh Government Response

The guidance on dealing with allegations of abuse against teachers and other staff extends beyond maintained schools, applying equally to independent schools and the further education sector. Where an allegation is made in a maintained school it should be referred to the headteacher, (or the chair of governors if the allegation is about the headteacher). In

a further education institution the allegation should be referred to the principal and in an independent school the proprietor. In a pupil referral unit the referral should be made to the chair of the management committee. For ease of reference we have used the term 'case manager' as a coverall term for the person to whom the allegation should be referred. The term has no basis in law, but is used for ease of reference. We have revised the guidance to make this clearer.

Reference to All Wales Child Protection Procedures

Ten respondents felt that there was insufficient reference or prominence given to the All Wales Child Protection Procedures within the guidance. One respondent referred to concerns about the delay in arranging strategy meetings and considered that the guidance should give clarity on who should be invited to attend. Another felt that the guidance should include child protection timescales.

Welsh Government Response

The draft guidance has been revised to make clear that it should be read in conjunction with the All Wales Child Protection Procedures and references to the AWCPP have been included throughout along with a web link. The child protection procedures set out the process for undertaking strategy discussions and meetings, including who should be invited and the timescales for their completion. We have not repeated these in this guidance.

Listening to the child's voice – support for children making allegations

Several respondents (6) felt that there was insufficient reference/prominence given to listening to the voice of the child, consistent with the UNCRC and in supporting children making allegations of abuse to ensure their safety and wellbeing.

Welsh Government Response

The guidance has been amended to reflect the comments made.

Reference and duplication with the Welsh Government's guidance to governing bodies on disciplinary and dismissal procedures for school staff

Several respondents felt that rather than repeating sections of the Welsh Government's guidance to governing bodies on disciplinary and dismissal procedures for school staff the guidance should simply cross refer to the disciplinary guidance. They considered that the guidance should not go into detail about investigations and disciplinary proceedings but instead should cross refer to the Disciplinary and Dismissal Process as appropriate.

Welsh Government Response

The guidance on handling allegations of abuse against teachers and other staff is intended to provide clear concise guidance to schools, local authorities and others to ensure procedures for handling allegations of abuse are consistent and appropriate. The draft guidance has been amended to make reference to the Welsh Government guidance to

governing bodies on disciplinary and dismissal procedures for school staff, whilst removing sections which were previously duplicated. It is worth noting here that the Welsh Government guidance on disciplinary and dismissal of school staff will be subject to revision to take into account this guidance and the outcome of the consultation on the draft Staffing of Maintained Schools (Wales) (Amendment) Regulations 2014 in relation to independent investigations of allegations of abuse against teachers and other staff.

Disclosure of Information

Several respondents (2) raised queries regarding the disclosure of information, in particular how decisions are made about the information that is disclosed to the subject of the allegation, the expectation in regards to disclosure if lengthy delays take place and the information to be given to staff and parents.

Welsh Government Response

The guidance states that where a strategy discussion is required or police or children's social services need to be involved, the head teacher (case manager) should consult those agencies and agree what information can be disclosed. The guidance is clear in this regard and as such we do not propose to amend it regarding disclosure of information.

Flowchart of the process

Several respondents (4) requested a visual timeline or flowchart of the process for dealing with allegations of abuse against teachers and other staff and the child protection process. Comments included:

Welsh Government Response

As the process encompasses the child protection process set out in the All Wales Child Protection Procedures officials in Safeguarding Children in Education propose to discuss with the All Wales Child Protection Group the responses received in this context and to seek their views on the benefit of developing a flowchart with timescales for the various stages of the process for inclusion in the All Wales Child Protection Procedures.

The Welsh Government would like to take this opportunity to thank all those who responded to this consultation exercise.

Next steps

The guidance will be updated to reflect consultation responses and will be issued as standalone statutory guidance on handling allegations of abuse against teachers and other staff at the very earliest opportunity.

Welsh Government guidance on disciplinary and dismissal procedures for school staff will be amended to reflect both the outcome of this consultation and the outcome of the consultation on the staffing of Maintained Schools (Wales) (Amendment) Regulations 2014 in relation to the independent investigation of allegations of abuse against teachers and other staff.

List of respondents

1. Cardiff Council – Education and Lifelong Learning Department
2. Powys County Council Schools Service
3. Wrexham County Council Lifelong Learning
4. Anglesey Department for Lifelong Learning
5. Torfaen CBC Education Service
6. Torfaen CBC Social Care & Housing
7. Caerphilly CBC
8. Merthyr Tydfil CBC
9. North Wales Regional Safeguarding Children Board
10. South East Wales Safeguarding Children Board
11. Pembrokeshire College Safeguarding Board
12. NUT Cymru
13. NAHT Cymru
14. ATL Cymru
15. NASUWT
16. UCAC
17. Estyn
18. General Teaching Council for Wales
19. Governors Wales
20. Children in Wales
21. Wales Council for Voluntary Action
22. NSPCC
23. Welsh Woman's Aid
24. University of South Wales
25. UCW Wales
26. SJ Education Consultancy
27. Dr Shone