

# Protecting the innocent?

**E**ducation Secretary Ruth Kelly has announced new guidance for schools and the authorities to speed up the process of dealing with allegations of abuse against teachers and support staff.

The guidance, called Safeguarding Children in Education, is supported by major teaching unions, endorsed by the Association of Chief Police Officers, and has been developed in co-operation with the Home Office and the Crown Prosecution Service (CPS). It spells out, for the first time, standard procedures that will apply in all local authorities in England to replace existing local procedures and ensure that cases are dealt with consistently in all areas.

The new arrangements purport to build on existing good practice and introduce new standards to provide effective protection for children, but at the same time support school staff by ensuring that cases are dealt with as fairly and as quickly as possible. This will help to avoid the delays and damaging publicity that can potentially ruin careers in the event of an unproven allegation. Key features of the new arrangements include:

New procedures are intended to protect both children from abuse and adults from false allegations – but will they work in practice?

- the use of designated officers in the police and local authorities to sift cases at the outset, improve decision making and consistency, and actively manage cases to cut out delay
- agreement by the police and CPS to liaise and review progress of criminal investigations to ensure that they are concluded as quickly as possible
- advice to police and social services about getting consent to share information when it is obtained, to enable it to be shared straight away when the investigation is complete
- indicative timescales for stages of the disciplinary process.

The guidance also includes clear advice about a range of issues including the need to:

- support children who may have been abused, and staff who are accused, while allegations are investigated
- maintain confidentiality while cases are under investigation
- keep clear and comprehensive records
- avoid suspending staff automatically.

Major recommendations made in the guidance to schools are:

- Parents or carers of a child or children involved should be told about the allegation as soon as possible. They should be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution.
- The school should also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for that person.
- Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.
- Allegations made against an individual who then resigns should still be followed up in accordance with these procedures. Every effort must be made to reach a conclusion in all cases. 'Compromise agreements' by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used.
- Comprehensive records must be kept of any allegations made in the confidential personnel file, and a copy provided to the person concerned, to prevent unnecessary re-investigation at a later date.
- The possible risk of harm to children posed by an accused

person needs to be effectively evaluated and managed. In some cases that will require the school to consider suspending the person until the case is resolved.

The Local Safeguarding Children Boards, to be introduced in all LEAs by next April under the Children Act 2004, will oversee the implementation of the guidance.

Ruth Kelly said: "The number of allegations made each year is very small as a proportion of the children and staff in our schools. But it is vital that they are dealt with properly and fairly. We must protect children. Being abused by a trusted adult can have a devastating effect on a child and their future. Equally, I am very much aware of the devastating effect that being wrongly or unfairly accused can have on an individual, their family and career, and how delay and publicity can exacerbate that."

The guidance addresses issues identified in a National Association of Schoolmasters Union of Women Teachers (NASUWT) campaign last year which highlighted the problems caused by long delays in dealing with cases and attendant publicity. It fulfils the commitment in the five-year strategy for children and learners to publish proposals to help defend teachers from the effects of false allegations.

NASUWT general secretary Chris Keates said: "Too many innocent teachers have had their lives and careers wrecked by false allegations of abuse. Teachers and others who work with children are extremely vulnerable to false allegations."

Ms Keates welcomed possible sanctions, including legal action, against those making malicious allegations, but said: "This guidance will not prevent those who abuse children from being identified and dealt with appropriately. Those who abuse children have no place in schools. It does, however, have the real potential to ensure that those who are falsely accused, and their families, are spared the months and sometimes years of trauma and distress before being exonerated."

"Although the procedures do not introduce anonymity for teachers up to the point of conviction, the fast-tracking of investigations should reduce significantly the opportunity for public and media exposure which exacerbates the devastating impact of being falsely accused," she added.

David Brierley of the Professional Association of Teachers welcomed the guidance but called for greater anonymity during investigations. "We are very pleased to see that the guidance is focusing on dealing with allegations quickly and consistently," he said.

"This guidance recognises that there should be basic safeguards and rights for school staff accused of abuse. They are entitled to expect support from all the relevant agencies. In our view, they are also entitled to anonymity and we are disappointed that the Government does not agree."