

F.A.C.T. (Falsely Accused Carers and Teachers)

Submission to the review of safeguarding arrangements in independent schools, non-maintained special schools and boarding schools chaired by Sir Roger Singleton.

1. Introduction
 - 1.1. F.A.C.T. (Falsely Accused Carers and Teachers) is a UK wide, membership based, voluntary organisation. F.A.C.T.'s primary aim is to support carers, teachers and other professionals who believe they have been falsely accused or wrongly convicted of abuse or misconduct in an occupational context.
 - 1.2. F.A.C.T. appreciates being given the opportunity to submit its views to the review of safeguarding arrangements in independent schools, non-maintained special schools, and boarding schools.
 - 1.3. F.A.C.T. recognises that there are gaps and inconsistencies in the safeguarding arrangements which apply to children throughout the UK.
 - 1.4. F.A.C.T. welcomes this review. We very much hope that it will clarify the legal issues involved and whose responsibility it is to ensure that the necessary standards of safeguarding are met in each of these settings. We also hope that it will lead to better and just listing decisions.
2. First Principles
 - 2.1. All children have a paramount right to be kept safe, irrespective of their living and/or schooling arrangements.
 - 2.2. All parents and carers have a right to expect the State to ensure that their children are safeguarded at all times, and especially when they are living away from home.
 - 2.3. Whilst children must always be of paramount concern the needs of staff must also be taken into account.
3. Policy and Practice – some unintended consequences
 - 3.1. It is generally accepted that the UK has one of the toughest child protection regimes in the world. Whilst this is not necessarily a bad thing it can have unintended consequences for the children concerned and for their parents, as well as for carers, teachers and other professionals who have to operate within this culture.
 - 3.2. Indeed some of these consequences are so severe that in our view they are capable of undermining the very essence of safeguarding.

What are these negative consequences

- a. Firstly, there is clear evidence that the imposition of a tougher child protection regime, necessary as it is, is affecting parenting practice. Parents are afraid to let children out of their sight, afraid to encourage them to take risks in play, and in many instances, afraid to exercise normal discipline for fear that they may be accused of child abuse or parental inadequacy.
- b. Secondly, professionals are for similar reasons afraid and cope with the anxiety it creates by adopting irrational, and sometimes potentially damaging responses in the name of child protection. For example, refusing to apply sun cream to a child in hot weather, refusing to cleanse a grazed knee, refusing to physically comfort a distressed child, banning photography of a child's participation in key events at school e.g. sports days, nativities etc.
- c. Thirdly, recruitment. Obviously every school needs to ensure they have safe recruitment policies and needs be fully aware that they are vulnerable to being infiltrated by paedophiles. However schools also need to attract the very best staff they can. The fear, especially for males, of being labelled a potential paedophile simply because one chooses to work with children is very powerful. This fear, itself quite irrational, has already had a serious affect on recruitment, especially in schools for pre-teenage children. Indeed it is now possible for children to pass through schooling without *ever* having been taught by a man. All children need male role models.
- d. Fourthly, the law of averages dictates that inevitably some staff will be subject to a false allegation. There is a widespread perception that anyone who draws attention to this fact is somehow anti child protection, in denial, or worse still, is to be regarded as an abuser themselves.

4. Policy and Practice

4.1. Clearly also schools need to have in place a quality

- safe-guarding policy
- recruitment policy
- disciplinary policy

4.2. In our view:

1. A safeguarding policy needs to indicate what staff *can do*, as well what staff must not do. The policy should also acknowledge that sometimes false allegations are made.
2. A recruitment policy needs to reflect the need to appoint staff on merit, but also have regard to the need to ensure that the children have male and female role

models. The policy should make clear that gender balance is a genuine occupational need, and needs to be kept under review.

3. The disciplinary procedure needs to ensure that -
 4. accused members of staff are provided with immediate access to an independent link person and if necessary to independent support from a counsellor or occupational physician
 5. investigating officers examine the facts which contradict the allegation made/ concerns expressed as well as looking into the facts that support the allegations made/concern expressed.
6. Final Comment

We are also strongly of the view that employers, especially those in the private sector, need to obtain a better understanding of how the listing procedures work and when they should be used. In our experience too many of them use the listing mechanism not to deal with allegation of abuse or alleged misconduct, but to deal with 'unfinished' managerial business and/or related performance issues rather than safeguarding issues.

Sent as Signed

Michael Barnes

F.A.C.T. National Secretary

26th January 2009