

It Will Never Happen To You - Will It?

An article by Leon Andre Parks from our '*In my opinion*' series

You think that it will never happen to you. The call to your house, allegations, false witness, attempting to prove innocence when, at the same time, all the evidence is in your favour and when the accuser has a history of fantasy or fabrication. It all adds to the surreal life and mind set that one is plunged into. The illusions of justice, balance, honesty, openness, and the pursuit of truth are but a mirage in the face of a blinkered chase by some departments of the law and Local Authority agencies.

Life changing experience

To confront false or malicious allegations is a life changing and, at times, damaging experience.

This is my story. Compiled from contemporaneous notes, letters and the few documents that I have, finally, been allowed access. I had first to engage governmental agencies to force my employer - a well known unitary authority on the south coast to release papers, using data protection and freedom of information legislation. I have worked in the world of special needs education for almost 30 years and started my pedagogical career in 1971.

Knock at the door

The account begins in July 2005 when my headteacher and deputy paid me a visit at home late one afternoon - an unusual event because I live some distance from the school, but still welcomed because I am pleased to state that both are outstanding professional colleagues, friends and wonderful people. I ushered a neighbour out of my house and my wife made us all a drink. It was obvious that there was something serious to discuss and I immediately assumed that it was a major problem at school that the head was seeking an independent view on from me as a member of the senior management team of the school.

Bombshell

The head and deputy outlined events as best that they could, concluding with the bombshell that I had been accused of "adult abuse" and would be subject to a PoVA (Protection of Vulnerable Adults) investigation and procedures. To say that I was stunned is an understatement. My wife was angry and distraught. I, of course, had no defence other than to deny the allegation. At this point I was presented with no details or facts, just the view that it was serious. I was offered the opportunity to work on the main school site but this was unacceptable to me because I was running, as head of centre, a Further Education

establishment for 18/19 year old people with severe and profound learning difficulties. The move suggested would have created a tremendous amount of questioning on the basis that the move would have been unplanned, unexpected and, quite correctly, would have generated a lot of unanswerable questions to be responded to.

Lack of information

To say the next 3 months or so were stressful is an understatement. No information came my way for 11 weeks. I wrote to my employer - the Local Authority - on numerous occasions with no response. My headteacher, deputy, other members of the senior management team and my staff team were exemplary and outstanding. My employer (the local authority) were absolutely useless - they did not reply or respond to my weekly letters trying to find out what was going on and urging them to speed the process up. No one questioned me for 76 days - you would get a parking ticket quicker or if you had thrown a brick through someone's window the police would be round that evening. I was clearly a major threat to society!

Need for support not recognised

My employer effectively saw me on three distinct occasions. To suspend me (a three minute exercise), to eventually lift the suspension, and a return to work meeting predicated on an occupational health examination. I have used the phrase before but I got as much support from my employer as a rope gives a hanging man. I was offered counselling and when I made contact the opening statement was effectively "you are entitled to six free consultations after that you have to pay" very helpful. On the other hand *The Teacher Support Network* was outstanding, practical and extremely supportive.

Police interview

I was instructed to attend an interview with the police with a solicitor present, organised by my professional association- the *National Union of Teachers (NUT)*. I was not prepared mentally or emotionally for what happened - cautioned, arrested, searched, locked up in a holding cell (I was given "a nice one" with baked beans on the ceiling and faeces on a wall), questioned by two officers and recorded on audio tapes. After a few hours I was released on police bail to present myself in a few weeks time. A relief to be in the fresh air and to reflect on the process recently enjoyed. The police did accept that there was a delay in their questioning of me - they had other priorities and that evidence could be tainted over time and it was in everyone's interest to be expedient in these matters.

I gather that most child protection (CP) and PoVA investigations are organised, directed and planned by a strategy team. Therefore there must be some collective responsibility for the lack of urgency, clear errors in procedure and good practice later exposed by an independent inquiry.

Lack of communication

There was a radical lack of communication from the Local Authority to me. There was misinformation concerning the allegation and charge as well as possible conflict of interest by the initial investigating officer from social services. The investigation and resultant speed of

communicating with the police may have had a personal dimension. Previously I had had a difficult professional working relationship with this particular individual who appeared to take sick leave of absence when I mounted a robust defence of my good name and situation. There was also significant confusion over what I could be told.

Some 3 weeks after my arrest I had a phone call stating that there would be No Further Action (NFA) because the young person concerned had come forward and said he had made it all up and, by the way, he thinks “you are a great teacher”.

Suspension

The suspension meeting with my employer was a farce in that it lasted a few seconds and there was no explanation as to the role and position taken by my employer. It was very obvious that the representative from human services (personnel to you and me) was very embarrassed by the whole situation. There was a high expectation that I would return immediately to work with no period of consolidation or transition. This return was not possible because I was being treated for hypertension and anxiety conditions I still have, and take continued medication for, but did not have before the allegation was made. Also, the review of my conduct was concluded in seconds. It was obvious that much of the procedure and events of what happened to me were generated and directed by the Adult Learning Disability Team - a branch of social services. The Department for Education and Skills guidance effectively states that suspension should be a last resort unless there is compelling evidence of potential continued abuse - where I worked this could only have occurred with the collusion of colleagues.

Independent review

My suspension was the result of a directive from the disability team.

After the allegation my headteacher, chair of governors, professional association representative and I wrote collectively to the chief executive of my local authority questioning the application of the process, methods employed, unacceptable timescales and the role of other agencies and statutory bodies. We received a holding letter and eventually a spurious reply. This was not acceptable and after objecting, an “independent” review of my case and procedures employed was conducted by a chair from a neighbouring authority. This authority coincidentally, employed the same procedures because they shared the same jurisdiction of the police. The investigation eventually led to the publication of a report that I was not initially privy to. I was provided with “snippets” of information on a need to know basis; it was and still is obvious there was a cover up or protection of social service staff that made errors of judgement that translated procedure into a proactive attack upon me. There were some 11 main conclusions from the review.

The whole report was not presented to me and when I requested it and other documents I was presented with a refusal. The notes and minutes from the strategy meetings were lodged in the personal file of the student who had made the initial complaint and therefore, according to my employer, was privileged information and data relating to him and not me.

Role of Information Commissioner pivotal

My view that my name and statements about me must appear “like a rash” all over the papers was denied - a totally ludicrous and unbelievable situation. In frustration at being denied access to papers I went to the Information Commissioners Office for support. Their involvement was pivotal in gaining an insight into events. Request after request was made to my employer - it was only after instructions were issued and the threat of further action by the ICO that documents were released to me. Documents that I should have had after a few days that eventually took 14 months to materialise. It appears that aspects of the investigation into my private life including my relationship with my wife should not have taken place and there were many recommendations regarding procedures and process.

Pay cut enforced

To add insult to injury my employer cut my pay in half after being off sick as a direct result of an unfounded allegation, suspension, arrest and lack of employer support. My illness was confirmed by my GP who had no doubt that it had a direct correlation with my unfortunate experiences. This view was in direct contrast to the occupational health doctor who came to no specific conclusion. Up to this point I had an exemplary health and attendance record. On top of this my employer wanted me to pay back money they claim they had overpaid me. The covering letter also spoke in terms of passing on the so called debt to an agency to gain recovery if I did not cooperate. A very supportive attitude by my employer - I do not think so. I agreed to pay back the money by instalments so as not to have an adverse credit record.

I also counter claimed and requested that my case be reviewed re the cut in pay and the “pay back” situation. Under some pressure it was agreed to put my salary back on track and return monies already paid. It was claimed that this repayment was to come from a discretionary fund and not from payroll. This was an interesting point because if my employer had repaid me from payroll it would have implied liability on their part for my illness and absence - a cunning move on their part.

CRB awaited

I am still awaiting the results of a CRB check after 24 weeks (at the time of writing this). My experience was referred to at an interview for an alternative post - it appears allegations of this nature tend to haunt. I have not concluded with seeking the truth. I have it on good authority that the young man concerned stated he was not telling the truth a considerable period before the allegation was lifted and therefore NFA.

Life changing events?

Has the experience changed my life? Yes, big time. There are many things that I DO NOT undertake professionally now - because they are voluntary for a teacher. Intimate care, and some welfare matters for example. I also do not administer medication. There are, however, some situations where there has to be close physical contact - I always ensure there are other staff present and are witness to events. I have defined what “reasonable adjustments” needed to be made. Further, I have spoken at training events about my case, experiences and quality

of life effects and results.

Return to work

I returned to work to start employment at a new educational establishment after seeing an occupational health consultant. I had a phased return to work last year that was problematic.

My employer gave me little or no support and they should be ashamed of their conduct and embarrassed by their boast to be an exemplary employer. This unwarranted experience has scarred me for life. I even contemplated giving up teaching and my much specialised role within the profession. Why did I not do so? Simple - the encouragement of friends, the love and support of my wonderful wife, the determination on the part of my headteacher and other professionals, the brilliant team that I worked with, the involvement and direction of the NUT, my certain knowledge that no offence occurred, and my extremely strong desire to defend my good name, all motivated me to stay. But more than this - the hundreds of students and pupils I have helped to grow and mature and become independent adults are a testimony to my positive involvement in their individual and collective lives. I have one, possibly two, new jobs in me before I retire. This experience has coloured my life but I will not let it change the fundamental person that I am, though I do brood on events at times.

F.A.C.T. and the *FACTion* journal have helped in the adjustment process and I have assisted others when I can. My professional association (the National Union of Teachers) regional principal officer summed up my struggle and situation, including my ongoing battle, for a reckoning when he said “nothing serves injustice better than badly framed law”. My case and situation is a prime example of this.

Leon Andre Parks writes under a pseudonym and currently works in a special school for a English Unitary Authority, and is involved with students aged 18 and 19 with severe and profound learning difficulties.