

# Stevenage ESC

## Dealing with Allegations against the Executive Headteacher, Head of Centre, Teaching Staff, Support Staff, School Volunteers and Contractors Policy

<b>Executive Headteacher:</b>	<b>Dan Nearney</b>
<b>Chair of Management Committee:</b>	<b>Emma Flawn</b>
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We believe an allegation is best defined as a claim or assertion that someone has done something illegal or wrong, typically one made without proof. It could be information that comes to light suggesting an employee, a supply teacher, a volunteer or a contractor has:

- behaved in a way that harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

We understand that the last point includes behaviour that may have happened outside of school that makes an individual unsuitable for work with children and is known as **transferable risk**.

Once this is made aware of, then an appropriate assessment of transferable risk to children with whom the person works must be undertaken.

We have a duty to:

- apply common sense and judgement when dealing with allegations;
- deal with allegations quickly as possible and in a fair, thorough and consistent manner; and
- provide effective protection for the child and support the person subject to the allegation.

We recognise that anyone who comes into contact with children, such as the headteacher, teaching staff, support staff, volunteers and contractors, are vulnerable to accusations of abuse.

We acknowledge that dealing with allegations is a stressful, demanding, complex and delicate process for all involved. But we will ensure that all allegations will be taken seriously and investigated immediately and impartially in order to provide instant and effective protection for the child concerned and to provide support for the person who is the subject of the allegation. The procedures for dealing with allegations need to be applied with common sense and judgement. 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:** where there is no evidence or proper basis which supports the allegation being made.

(Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE))

We will 'make every effort to maintain confidentiality and guard against publicity while an allegation is being investigated.'

We are aware that the 'Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a

pupil from the same school (where that identification would identify the teacher as the subject of the allegation).’

We will ensure that any contractor, or any employee of a contractor, who is to work at school, will be subjected to the appropriate level of DBS check. We will not allow any contractor who has not been checked to work unsupervised. The identity of all contractors will be checked on arrival at school.

We will ensure that an allegation made against a contractor or any employee of a contractor will be investigated by the Head of Centre and designated safeguarding lead in the same way as investigating an allegation against a teacher, a member of support staff or a school volunteer.

In the case of an allegation being made against the Head of Centre, we will ensure the investigation will be conducted by the chair of governors who will discuss the allegation with the designated officer.

We will ensure that allegations against a teacher who is no longer teaching will be referred to the police and any historical allegations of abuse will also be referred to the police.

We believe we have a duty of care to all school personnel, support staff, supply teachers, volunteers and contractors. We will provide effective support for anyone facing an allegation and will provide them with a named contact if they are suspended.

We have responsibility to ensure allegations made against any individual not employed by the school, such as supply teachers or volunteers, are ‘dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.’

We wish to create an open and transparent culture that will allow children and school personnel to make truthful reports of any inappropriate behaviour and in the knowledge that all allegations will be taken seriously and will be dealt with promptly and appropriately.

We need to identify inappropriate, problematic or concerning behaviour early; minimise the risk of abuse and ensure that all adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries.

We encourage all school personnel to protect themselves against false accusations by treating all children with dignity and respect, and to ensure that they never work alone with a child, always maintaining a safe and appropriate distance, avoiding physical contact and being cautious when dealing with sensitive moments.

We must ensure that school personnel do not suffer unnecessarily when false allegations have been made against them and that their careers are not wrecked.

We believe it is our duty to establish the reason why pupils make false allegations against school personnel and to put into place support procedures to help pupils overcome any problems they may have.

We understand that we have a legal duty once an allegation has been made to undertake a full investigation, to record the decisions reached and action taken.

We believe allegations against staff can be minimised by having in place safer recruitment strategies, appropriate induction and training, an open and transparent safeguarding ethos, a professional code of conduct, regular staff briefing and discussion of safeguarding issues,

and by ensuring that pupils are aware of safeguarding issues through PSHE.

We will do everything possible to maintain confidentiality at all times.

We are aware that the Brexit transition period ended on 31 December 2020 and, therefore, UK organisations that process personal data must now comply with the:

- DPA (Data Protection Act) 2018 and UK GDPR (General Data Protection Regulation) if they process only domestic personal data.
- DPA 2018 and UK GDPR, and the EU GDPR if they process domestic personal data and offer goods and services to, or monitor the behaviour of, EU residents.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

### **Aims**

- To take all allegations against school personnel, support staff, supply teachers, volunteers or contractors seriously and impartially by providing protection for the child and support for the named person in the allegation.
- To ensure compliance with all relevant legislation connected to this policy.
- To share good practice within the school, with other schools and with the local authority in order to improve this policy.

### **Responsibility for the Policy and Procedure**

#### **Role of the Governing Body**

The governing body has:

- the responsibility to investigate any allegation against the Head of Centre;
- delegated powers and responsibilities to the Head of Centre to investigate allegations against any member of the school personnel, volunteers and contractors;
- delegated powers and responsibilities to the Head of Centre to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to:
  - visit the school regularly;
  - work closely with the headteacher and the coordinator;
  - ensure this policy and other linked policies are up to date;
  - ensure that everyone connected with the school is aware of this policy;
  - attend training related to this policy;
  - report to the governing body every term;
  - annually report to the governing body on the success and development of this policy.
- responsibility for the effective implementation, monitoring and evaluation of this policy.

## Role of the Chair of Governors

When investigating an allegation against the Head of Centre the chair of governors will:

- inform the headteacher about the allegation;
- immediately discuss the allegation with the local authority designated officer/s 'to consider the nature, content and context of the allegation and agree a course of action';
- record the decision.

## Role of the Head of Centre

The Head of Centre will:

- investigate all allegations against:
  - any member of the teaching staff, support staff, volunteers, contractors or any employee of a contractor;
  - a supply teacher/contracted staff not directly employed by the school but supervised by the school and where the school's disciplinary procedures do not fully apply because agencies have their own policies and procedures;
- be aware that there are two aspects to consider when an allegation is made namely:
  - looking after the welfare of the child;
  - investigating and supporting the person subject to the allegation.
- undertake the following when dealing with an allegation/concern that meets the harm threshold:
  - contact the local authority children's social care and the police immediately if a child has been harmed and may be in an immediate risk of harm or if the situation is an emergency.
- undertake the following when an allegation/concern that **does not** meet the harm threshold (low-level concerns) is received:
  - Will take the allegation seriously but will keep an open mind and will not promise confidentiality to the informant.
  - Will not undertake an investigation.
  - Will make a written record of the allegation by:
    - using the informants words;
    - including the date, time, place of the incident, and those present;
    - signing and dating the record.
  - Will immediately contact the local authority's designated officer.
  - Will not undertake any discussions without the designated officer.
  - Will make a written record with the designated officer and others.
  - Will ensure the designated officer has full details of the person against who a concern has been raised and the person who is the subject of the concern.
- inform employers of supply staff/contractors regarding any shared low-level concerns so that any potential patterns of inappropriate behaviour can be identified;

- refer any allegation against a teacher no longer working in the school to the police;
- refer any allegation against a teacher no longer teaching to the police;
- consult with the local authority designated officer (LADO) when an allegation has been made;
- appoint an independent investigator if the allegation is deemed to be serious;
- share information about the named person in the allegation and the alleged victim with all agencies involved in the investigation;
- keep the person who is the subject of the allegation informed of the progress of the investigation;
- provide support for the person who is the subject of the allegation by:
  - informing them of the concerns or allegations and giving ‘an explanation of the likely course of action unless there is an objection by the children’s social care services or the police’;
  - advising them to contact their trade union representative or a colleague for support;
  - giving access to welfare counselling or medical advice;
  - appointing a named representative who will provide information on the progress of the case and will consider what other support is appropriate for the individual.
- keep parents informed of the investigation and outcome;
- provide appropriate support and counselling for the child and parents during the whole process;
- consider suspending the person who is the subject of the allegation;
- consider suspending the child if it is felt there is a risk of significant harm to the child from the person accused;
- make every effort to maintain confidentiality and to prevent unnecessary publicity;
- provide return to work support such as occupational health support for a member of the school personnel returning to work after suspension following a positive conclusion to the investigation;
- consult with the LADO what action should be taken, such as referral to children’s social care or disciplinary action if the allegation was found to be false;
- organise a series of safeguarding and child protection workshops to ensure parents are aware of:
  - Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges;
  - Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children;
  - the Safeguarding and Child Protection policy;
  - safeguarding procedures in place;
  - all safeguarding policies;
  - their role in safeguarding and child protection.
- ensure school personnel are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour in themselves and others;
- empower school personnel to share any low-level safeguarding concerns;
- address unprofessional behaviour and support the individual to correct it at an early stage;
- handle and respond to such concerns sensitively and proportionately when they are raised;
- work closely with the link governor and the designated safeguarding lead;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
- annually report to the governing body on the success and development of this policy.

### **Role of the Designated Safeguarding Lead**

The designated safeguarding lead will:

- ensure the implementation of this policy;
- ensure everyone connected with the school is aware of this policy;
- work closely with the headteacher and the nominated governor;

- be trained in child protection policy procedures;
  - renew training every two years in order to;
- understand the assessment process;
  - understand the procedures of a child protection case conference and child protection review conference;
  - understand the specific needs of children in need;
  - understand the specific needs of children with special educational needs and those of young carers;
  - have in place a secure and accurate record system of all concerns and referrals.
- have overall responsibility for:
    - oversight of the procedures for dealing with allegations;
    - resolving any inter-agency issues;
    - liaising with the three safeguarding partners.
- inform the Head of Centre of all low-level concerns in a timely fashion according to the nature of each particular low-level concern;
  - provide advice and guidance to the case manager;
  - liaise with the police and other agencies;
  - monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
  - take the lead in dealing with child protection issues;
  - keep a confidential child protection register of all those pupils known to be at risk and only if it is confirmed by social services that the child is at risk;
  - be trained in working with all agencies;
  - familiarise school personnel with the policy and procedures;
  - investigate and deal with all cases of suspected or actual problems associated with child protection;
  - ensure parents are aware that referrals about suspected abuse or neglect may be made;
  - make child protection referrals;
  - record all child protection referrals;
  - co-ordinate action within the school;
  - liaise and seek advice from the local authority designated officer (LADO) when the need arises;
  - liaise with social care and other agencies;
  - transfer the child protection file of any pupil leaving to join another school;
  - provide support for any child at risk;
  - not promise confidentiality to any child but always act in the interests of a child;
  - act as a source of advice within the school;
  - help create a culture within the school of listening to children;
  - keep up to date with all new guidance on safeguarding children;
  - keep all school personnel up to date with any changes to procedures;
  - organise appropriate training for school personnel and governors;
  - ensure all incidents are recorded, reported and kept confidential;
  - keep all paperwork up to date;
  - report back to the appropriate school personnel when necessary;
  - annually review the policy with the head.

### **Role of the Data Protection Officer**

The data protection officer will:

- have expert knowledge of data protection law and practices;
- inform the school and school personnel about their obligations to comply with the Data Protection Act 2018;
- ensure data management is strengthened and unified;
- monitor compliance with the Data Protection Act 2018;
- manage internal data protection activities;

- ensure risk and impact assessments are conducted in accordance with ICO guidance;
- report data breaches within 72 hours;
- ensure individuals have greater control over their personal data;
- ensure that prior to the processing of an individual's data that:
  - the process is in line with ICO guidance;
  - the process is transparent;
  - the individual will be notified;
  - the notification is written in a form that is understandable to children;
  - when sharing an individual's data to a third party outside of school that details for the sharing are clearly defined within the notifications.
- share an individual's data where it is a legal requirement to provide such information;
- process all written subject access requests from individuals within 40 days of receiving them;
- have in place a formal contract or service level agreement with a chosen data processor who is Data Protection Act 2018 compliant;
- ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
- train school personnel;
- conduct audits.
- be the first point of contact for supervisory authorities and for individuals whose data is processed;
- keep up to date documentation of all data protection activities.
- work closely with the headteacher and nominated governor;
- periodically report to the headteacher and to the governing body;
- annually report to the governing body on the success and development of this policy.

## Role of School Personnel

School personnel:

- **who work directly with children** must read both **Part One and Annex B** of 'Keeping Children Safe in Education' (KCSiE) guidance;
- **who do not work directly with children** can either read **Part One or Annex A**
- must understand their roles and responsibilities
- must:
  - understand that safeguarding and promoting the welfare of children is everyone's responsibility;
  - attend appropriate safeguarding and child protection training at induction;
  - be made aware of the following policies:
    - Safeguarding and Child Protection
    - Behaviour
    - School Personnel Behaviour
    - Child Gone Missing On or Off Site
    - Role of Designated Safeguarding Lead (DSL)
  - attend regular updated safeguarding training;
  - be aware of all safeguarding systems within the school;
  - be in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating;
  - have responsibility to provide a safe environment in which children can learn;
  - be prepared to identify children who may benefit from early help;
  - follow the processes as set out in KCSiE (paragraphs 51-67) if they have any concerns about a child's welfare;
  - be aware of the process for making referrals to the local authority;
  - support social workers and other agencies following any referral;



- report to the designated safeguarding lead any concerns they have regarding a child;
- know what to do if a child tells them they are being abused, exploited or neglected;
- be able to reassure victims that they are being taken seriously and that they will be supported and kept safe;
- be familiar with 'Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children (DfE).'

### **Procedure to Report Allegations**

School personnel will:

- report any safeguarding concerns/allegations:
  - about another member of the school personnel, supply staff, volunteers or contractors that poses a risk of harm to children then they will report to the Head of Centre;
  - about the Head of Centre, followed by reporting to the chair of governors/chair of the management committee or proprietor;
  - report directly to the local authority designated officer (LADO) if they have any safeguarding concerns/allegations about the Head of Centre if the Head of Centre is also the sole proprietor.
- make a dated and timed written record of the disclosure or incident causing concern about a member of the school personnel or a school volunteer when making a disclosure;
- inform the designated safeguarding lead;
- make a dated and timed written record of the disclosure or incident causing concern about the Head of Centre to the chair of governors who will deal with the allegation;
- make a dated and timed written record of the disclosure or incident causing concern about a pupil and will inform the designated safeguarding lead.

The designated safeguarding lead will:

- follow up the referral;
- make records of any discussions and any investigation that takes place;
- decide whether to take the referral further or to monitor the situation;
- keep the person informed who initially reported the allegation of the decision made.

The chair of governors will:

- make a dated and timed written record of the disclosure or incident causing concern if no written record has been presented to the chair of governors;
- inform the LADO.

The local authority designated officer (LADO) will:

- work with and alongside the school when dealing with allegations against school personnel;
- call for the intervention of the police and children's care services if they feel the allegation is very serious;
- advise the school of the course of action if they consider the intervention by police and children's care services is not necessary;
- consult with the school what action should be taken such as referral to children's social care or disciplinary action if the allegation was found to be false.

### **The Named Person in the Allegation**

The named person in the allegation will:

- be kept informed of the course of action after the initial consultation with the LADO;
- be kept informed of all stages of the investigation;
- be advised to contact their union or professional association as soon as an allegation has been made;

- be advised by their union or professional association at all stages of the investigation.

### Suspension of the Named Person in the Allegation

Suspension will only take place if:

- a child or children are at risk;
- the allegation is of a very serious nature;
- it will help in the smooth running of the investigation.

### Records of Allegations

A detailed record of each allegation must be kept which clearly shows the:

- nature of the allegation;
- follow-up action;
- decision reached;
- action taken.

Written records must be:

- kept on the person’s confidential personnel file with a copy given to the person concerned;
- kept for a period of 10 years.

Details of allegations that are found to be malicious (that is allegations made to deliberately to deceive) will be removed from personnel records and will not be included in any future references.

In cases of an allegation being deliberately invented or malicious we will consider taking action against those who have made false accusations.

### Outcomes of an Allegation

We will use the following definitions when we determine the outcome of an allegation:

<ul style="list-style-type: none"> <li>▪ <b>Substantiated:</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ If the allegation is substantiated and there is sufficient evidence to prove the allegation, then:             <ul style="list-style-type: none"> <li><input type="checkbox"/> the person is dismissed; resigns, or otherwise ceases to provide his or her services, or;</li> <li><input type="checkbox"/> the employer ceases to use the person’s services.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Malicious</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Sufficient evidence disproves the allegation and indicates there has been a deliberate act to deceive or cause harm to the person subject of the allegation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>False</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Sufficient evidence disproves the allegation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Unsubstantiated:</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ There is insufficient evidence to either prove or disprove the allegation. The term does not imply guilt or innocence.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Unfounded:</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The term is used to reflect cases where there is no evidence or proper basis which supports the allegation made.</li> </ul>

We must consider that if an allegation:

- is determined to be unsubstantiated, unfounded, false or malicious, then whether this is a cry for help from the child or person who has made the allegation;
- is shown to be deliberately invented or malicious, we must consider whether any disciplinary action is appropriate against the individual who made it.

### **Role of Parents/Carers**

Parents/carers will:

- be aware of and comply with this policy;
- be aware that under section 141F of the Education Act 2002 that there is a prohibition on reporting or publishing allegations about teachers;
- be invited to attend a series of safeguarding and child protection workshops to ensure parents are aware of:
  - Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges;
  - Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children;
  - the Safeguarding and Child Protection policy;
  - safeguarding procedures in place;
  - all safeguarding policies;
  - their role in safeguarding and child protection.

### **Confidentiality**

When an allegation has been made, and during the investigation, we will do everything possible to maintain confidentiality.

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- School handbook/prospectus;
- School website;
- Staff handbook;
- Meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops;
- School events;
- Meetings with school personnel;
- Written communications with home such as weekly newsletters and of end of half term newsletters;
- Annual report to parents;
- Head of Centre reports to the governing body;
- Information displays in the main school entrance;
- Text messages;
- Email;
- Social media:
  - Facebook.
  - Twitter.
  - Virtual pin boards.
  - School blog.

### **Training**

We:

- have in place appropriate training for this policy that is undertaken by a registered training provider that covers:

- All aspects of this policy
- Safeguarding and Child Protection
- School Personnel Code of Conduct
- Disciplinary Procedure
- Equal opportunities
- Inclusion

- ensure the content of all training is correct, delivered well and engages staff as we believe that the more engaging training is, the better the outcomes that we need to measure;
- can provide data that evidences staff understanding by using a simple short multiple-choice test through one of the following applications such as Google Forms, Microsoft Forms, Kahoot or SurveyMonkey;
- have in place evidence for all staff:

- that highlights the knowledge gaps in the training;
- that shows how those knowledge gaps were corrected.

## **Safeguarding**

We are committed to safeguarding and promoting the welfare of all children as the safety and protection of children is of paramount importance to everyone in this school. We work hard to create a culture of vigilance and at all times we will ensure what is best in the interests of all children.

We believe that all children have the right to be safe in our society. We recognise that we have a duty to ensure arrangements are in place for safeguarding and promoting the welfare of children by creating a positive school atmosphere through our teaching and learning, pastoral support and care for both pupils and school personnel, training for school personnel and with working with parents. We teach all our children about safeguarding.

We work hard to ensure that everyone keeps careful watch throughout the school and in everything we do for possible dangers or difficulties. We want all children to feel safe at all times. We want to hear their views of how we can improve all aspects of safeguarding and from the evidence gained we put into place all necessary improvements.

## **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## **Race Disparity Audit**

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

## **Monitoring the Implementation and Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Head of Centre and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the governing body for further discussion and endorsement.

### **Linked Policies**

- Safeguarding and Child Protection
- Disciplinary Procedure
- School Personnel Code of Conduct
- Data Protection and the General Data Protection Regulation (GDPR)

### **See Appendices Documents section on Policies for School Website**

- Frequency of Policy Monitoring
- Monitoring Implementation and Policy Effectiveness Action Plan
- Initial Equality Impact Assessment
- Policy Evaluation
- Policy Approval Form

We believe this school policy:

- is an essential part of the school;
- supports staff in managing certain situations;
- forms an important framework that will ensure consistency in applying values and principles throughout the establishment;
- provides guidance, consistency, accountability, efficiency, and clarity on how the school operates;
- provides a roadmap for day-to-day operations;
- ensures compliance with laws and regulations, gives guidance for decision-making, and streamlining internal processes;
- is designed to influence and determine all major decisions, actions and all activities taking place within the boundaries set by them;
- stems from the school's vision and objectives which are formed in strategic management meetings.