



SAFEGUARDING CHILDREN AND SUPPORTING STAFF

THE MANAGEMENT OF ALLEGATIONS AND CONCERNS REGARDING STAFF IN EDUCATION SETTINGS

The following is based on 'Keeping Children Safe in Education' 2018. 'Working Together to Safeguard Children' 2018 and dealing with allegations of abuse against teachers and other staff: Guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools 2012 and national guidelines agreed between representatives of the Local Education Authorities and the teacher organisations in England and Wales.

These procedures apply to all staff, including contracted staff and individuals working in a voluntary capacity on or off school premises.

➤ Introduction

- Staff play a crucial role in noticing indicators of possible abuse or neglect and in referring concerns to the Designated Person for Child Protection. The school will contribute important information to any child protection referrals are made.
- Staff can also be vulnerable to accusations of abuse, children and young people sometimes make false allegations to draw attentions to problems experienced elsewhere in their lives or because they have misinterpreted an incident. It is also regrettable that there are occasions when allegations are substantiated.
- All staff contribute to child protection by helping to create a safe environment for children and young people. Children can be helped to understand what is acceptable behaviour, how they can stay safe from harm and how to speak up if they have worries.
- Staff must also be aware of behaviour that is acceptable and behaviour that might make them vulnerable. Guidelines for staff working with children and young people help minimise risk for all concerned.
- Any instance of a pupil being abused by a member of staff is particularly serious. Equally, for an innocent person to be subject to what may be a lengthy period of investigation and possibly suspension, coupled with the threat of possible arrest, is a serious ordeal. Such experience can result in long term damage to a person's health and career.
- Arrangements therefore for managing concerns or allegations of this nature should be robust and effective in keeping children safe. All allegations should be taken seriously, approached with an open mind, and not driven by preconceived opinions about whether a child has or has not been harmed.
- Measures put in place in managing enquiries should be proportionate and timely, open to challenge, and in the best traditions of collaborative working, as set out in statutory guidance.
- **All efforts should be made to bring matters to a clear conclusion to safeguard children and staff alike.**

➤ Roles and Responsibilities

- **The Head** of the school is responsible for dealing with allegations against members of staff (in the absence of the HT, or if the allegation concerns the HT, the Chair of Governors must be contacted and also for creating a safe environment, which includes appointing a Designated Person for Child Protection.

- **Designated Person for Child Protection** – A senior member of staff with responsibility for coordinating action on general child protection issues. Other than where the Head Teacher also holds this role, the Designated Person should not take responsibility for managing allegations against staff.
- **The Governing Body** – are responsible for ensuring that there are sufficient measures in place to safeguard the children in school.
- **A Nominated Governor** may act on behalf of the corporate body.
 - The Nominated Governor liaises with HT and ensures that an appropriate child protection policy and procedures are in place (which include allegations against staff); and reports to governors.
 - Where an allegation is made against the Head Teacher, the **Chair** takes responsibility for managing the case and for liaising with the LA Lead Officer (LADO) and investigative agencies. The Chair can also be the Nominated Governor,
 - The Governor who takes responsibility for managing an allegation against the Head Teacher should not become part of any following disciplinary board on the same matter.
- **LADO** – The LADO offers advice and support, oversees the case and liaises with Police and Social Services as appropriate. This officer is also responsible for maintaining records relating to allegations against staff.
- **Police** – The Police have a duty to investigate criminal offences committed against children. Such concerns involving the family, other carers or staff working with children, should be handled by the Police Child protection and Sexual Crime Unit. A senior officer will oversee cases involving staff and be responsible for ensuring effective liaison with other agencies.
- **Social Care/Social Services** – Social Services have a duty to safeguard and promote the welfare of children in their area who are in need, and to make enquiries if they have reason to suspect a child is suffering or likely to suffer significant harm. There should be a senior officer who has oversight of cases involving professionals and ensuring effective liaison with other agencies.
- **Personnel Officer/HR Provider** – This officer will offer advice and support to Head Teachers and Governors on issues related to employment i.e. recruitment, retention and disciplinary matters. They also have a role in providing investigative agencies with relevant personnel detail in cases of allegations against staff.

➤ **Principles**

- The Head Teacher and Designated Person ensure that staff and pupils are aware of how to report concerns of abuse and neglect. Protection from abuse is the responsibility of all.
- Allegations or concerns made by or on behalf of a child should always be taken seriously and referred to the investigating agencies, as appropriate.
- Investigations should be conducted in a way that recognises the vulnerability of both children and staff. Investigations must be dealt with quickly, fairly and impartially.
- These procedures must be applied when there is a concern or an allegation that any person who works with children and young people, in connection with his/her employment or voluntary activity, has:
 - Behaved in a way that has harmed a child, or may have harmed a child
 - Possibly committed a criminal offence against or related to a child; or
 - Behaved towards a child or children in a way that indicates s/he would pose a risk of harm.

- Any allegation of abuse made by a child or young person against an adult who works in any of these settings must be investigated through these procedures
- These procedures do not apply to matters that amount to bad or poor practice, which remain within normal line management arrangements.
- The procedures will also apply where:
 - It is discovered that a person who is or has been working with children or young people has been previously involved in child abuse
 - An allegation of abuse has been made against a person working with children but the allegation does not relate to the working environment eg. allegations by their own children.
 - An allegation of abuse is made against a partner, member of the family or other household member, which gives rise to concerns about the safety of children or young people with whom the person has contact within his/her work or voluntary activity.

➤ **Safeguarding - Reducing the Risk**

We can be proactive in reducing the risk of child abuse taking place and in reducing the vulnerability of staff to unfounded allegations by:

- Developing a safeguarding ethos in which pupils and staff can express their concerns. Safeguarding policies and procedures are accessible to all.
- Adopting safe recruitment and termination of employment practices.
- Ensuring that all staff receive appropriate training in child protection - signs/symptoms and referral procedures - as well as procedures in responding to allegations against staff.
- Ensuring staff understand what is safe practice. All staff therefore, should be provided with clear and relevant codes of conduct.
- Ensuring that vulnerabilities expressed by staff are taken seriously and responded to at the earliest stage.
- Conducting risk assessments following allegations to reduce the likelihood of repetition.

➤ **Raising Concerns**

- Staff should be aware that children and young people may feel unable to express concerns. All staff should therefore be aware that they have a legal duty to take action if the concern is about the safety of children and to voice concerns about the attitude or actions of their colleagues in accordance with the relevant whistleblowing policy. This should be given to all new employees and made available to all staff.
- If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, she/he should report the matter to a senior person within their agency, to their designated/named officer for child protection or the Local Authority Designated Officer in line with Halton Safeguarding Policy. Halton's LADO can be contacted by calling 0151 5117229. Further information about Halton Managing Allegations Procedures can be found at www.haltonsafeguarding.co.uk
- Historical allegations should be responded to in the same way as contemporary concerns. It is important to establish if the person is still working with children and if so inform the current employer or voluntary organisation.

➤ **Allegations Against Staff in their Personal Lives**

- If an allegation of abuse or neglect of a child, outside of the work environment, is made against a person known to be working with children in a paid or voluntary capacity, and gives cause for concern about the children with whom they have contact during the course of

their work, the Local Authority Designated Officer should be advised and this procedural guidance will apply.

- This procedure will also apply where an allegation of abuse or neglect is made against a family member or close associate of a person known to work with children, and there are concerns that the accused person has or may have contact with the children for whom that member of staff or volunteer has some responsibility. For example where there is an allegation against a family member of a foster carer.
- If an accused member of staff has children of their own, or involved in out of school activities that involve children, a consideration of risk to these children must also be given.
- If these children reside outside this authority, or the activities with children occur outside of this authority, it is the responsibility of local investigative agencies to notify their counterparts in the other authorities concerned.
- Where child protection concerns occur within the member of staff's own family, there may be implications for children in their place of work too. In these circumstances consult the LADO

➤ **Initial action by person to whom a concern or allegation is reported**

Concerns or allegations may be brought to the attention of a member of staff in various ways, including behaving in a manner that raises concern.

➤ **Staff actions:**

- **The person to whom an allegation or concern is reported should:**
 - Treat the matter seriously
 - If a child makes a disclosure of abuse to you:
You should:
 - Listen and keep calm. Do not interrupt
 - You **MUST NOT** promise the child that you will keep the matter confidential. Explain to the child who you will need to tell and why
 - Observe visible bruises and marks, but do not ask a child to remove or adjust their clothing to observe them
 - Keep questions to a minimum as your role is not to investigate. If you need to ask questions in order to ascertain whether this is a safeguarding concern, ensure they are open questions
 - Use the "TED" model for asking open ended questions: "Tell me about that", "Explain that to me", "Describe that"
 - Make a record of what has been said immediately afterwards in words used by the child and yourself to the best of your memory. Use capital letters for the child's words to help distinguish between the two.
 - Note anything about the child which is connected i.e. any visible injuries including the position and description, the demeanour of the child i.e. crying, withdrawn etc.
 - Clearly indicate whether fact, opinion or third party information
 - Report the matter immediately to the Senior Designated Person
 - Where the designated senior manager is either the subject of or implicated in the allegation, their line manager should be informed
 - If in doubt seek advice from the Senior Designated Person
 - Make a written record of the information (where possible in the child's own words) including the time, date and place of incident(s), persons present and what was said.
 - Sign and date the written record

You should not:

- Ask leading questions, put words into the child's mouth or press for details
- Rush the child
- Examine the child
- Investigate
- Promise confidentiality
- Summarise or use your own words to describe events
- Delay sharing the information with the Senior Designated Person
- Attempt to investigate

➤ **Initial Action by the Head Teacher /Chair of Governors /Senior Manager**

When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child or potential witnesses. But should:

- Obtain the written details of the concern/allegation, signed and dated by a person receiving the information (not the child/young person making the allegation)
- Countersign and date the written details
- Record any information about times, dates and location of incident(s) and names of any potential witnesses
- Record any discussions about the child and/or member of staff, any decisions made, and the reason for those decisions - even when the decision is no further action.

➤ **Initial Considerations**

- Consultation must take place between the HT and the LADO. All allegations must be recorded clearly and accurately. Copies of documents relating to the incident and referral details must be forwarded to the LADO.
- The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.
- Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.
- The following definitions should 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:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.
- The headteacher or (where the headteacher is the subject of an allegation) the chair of governors, or the chair of the management committee or proprietor of an independent

school (the 'case manager'), should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

- The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.
- The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.
- If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the case manager. In those circumstances, the options open to the school or college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.
- In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff.
- However, in other circumstances, such as lack of appropriate resource within the school or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of

allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where appropriate.

The Head Teacher and LADO must consider the allegation and determine the appropriate way forward.

It is important to recognise that establishing whether an allegation warrants further investigation is not the same thing as deciding whether an allegation is founded.

➤ **Options**

Consultation with the LADO will help to decide between the following actions:

- Immediate referral to Police and SSD under local Child Protection Procedures.
- Further local enquiries to be made to gather more information.
- The allegation may have been prompted by inappropriate behaviour by the member of staff but does not amount to a child protection concern = disciplinary procedures might follow.
- The allegation was apparently without foundation. This situation might arise out of misunderstanding, maliciousness or possibly abuse occurring elsewhere in the child's life. The former two positions require action on the part of the school to minimise further risk to staff and where appropriate, address the pupil's behaviour.
- The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

➤ **Allegations requiring immediate referral to the Child Protection Agencies (Police and Social Services)**

- Where a pupil has suffered, is suffering, or is likely to suffer significant harm, Social Services/Care have a duty to make enquiries in order to protect the child. The harm may be of a physical, sexual, or emotional nature, or as a result of neglect.
- Where it is alleged that a criminal offence has been committed against a pupil, the police will be required to make any necessary enquiries. Any physical assault (including threat of) may constitute a criminal offence and consequently the threshold of significant harm does not always need to be met.

➤ **Referral**

- Where the Head Teacher and the LADO decide that the allegation needs to be referred as a child protection matter, the LADO should ensure that this is done. A telephone referral is made to Social Care and confirmed in writing within 48 hours.
- Social Care acknowledge the written referral within one working day of receipt.
- Any internal disciplinary investigation should be held in abeyance pending the outcome of police and social services investigations, avoiding contamination of evidence. (NB There are rare exceptions to this rule, but agreement **must** be obtained from these agencies).

➤ **Strategy Discussion**

- Following a referral to Social Care a Strategy Discussion will take place between them and the Police usually within 48 hours.
- The purpose of this meeting will be to share information and decide whether a child protection and/or criminal investigation is necessary.
- If an investigation is to take place, or further enquiries are to be made, the meeting will decide how this is to be done e.g. who to interview, when and how.
- The meeting will also be required to make a recommendation as to whether the member of staff should be suspended whilst investigations take place. The decision to suspend however, rests with the Head/Governing Body.
- Any investigation will need to take place within the wider context of assessing the child's needs.

➤ **Notification of Interested Persons**

- The Local Authority Designated Officer will advise the employer about the point at which a person against whom the allegation has been made can be informed. It is important that the timing of this does not impede any investigations. It is likely therefore that the Local Authority Designated Officer will consult with the Police and/or the relevant Children's Social Care.
- The police may decide that enquiries might be hindered by an early approach to parties, or that certain information should not be divulged to them.
- Subject to there being no objection, the Head Teacher/Governor should inform:
 - The parent (and where appropriate the child) to explain the action taken by the school/establishment e.g. referred to social care/police.
 - The accused member of staff to explain, the likely course of action. At this early stage, it is advisable to explain only that an allegation of a child protection nature has been made.
 - The Chair of Governors. At this stage only general information should be shared i.e. that an allegation has been made and whom it concerns.
 - The director of the agency if the member of staff is employed through an agency.
- Where investigative agencies have objection to information being shared, it is the responsibility of the LADO to arrange regular review of this decision.
- **Information should not be withheld from the member of staff without good reason.**

➤ **Support for the Accused Member of Staff**

- Whether the member of staff is suspended or not, the impact of being subjected to child protection and/or criminal enquiries should not be underestimated. Employers have a duty of care to their staff and therefore the offer of appropriate support is essential.
- Recommended supports:
- Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.
 - The individual should be advised to contact their trade union representative, if they have one, or a colleague for support.
 - They should also be given access to welfare counselling or medical advice where this is provided by the employer.
 - The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare

arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.

- Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- The member of staff can also be reminded to use the services of their own GP.
- Where the member of staff has been suspended or offered duties away from school, a senior colleague should be identified to keep them up to date with events. This person must be directed not discuss the investigation.
- The distress caused by an allegation is likely to mean that significant information might not be absorbed by the accused member of staff, particularly when they are first told, therefore provide written information which they can take away to digest.

Parents/Carers

- Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.
- Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.
- The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.
- Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

➤ Confidentiality

- It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. 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). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.
- The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012. 207.
- The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited.

"Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

- In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, 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. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.)
- The case manager should take advice from the designated officer(s), police and children's social care services to agree the following:
 - who needs to know and, importantly, exactly what information can be shared;
 - how to manage speculation, leaks and gossip;
 - what, if any, information can be reasonably given to the wider community to reduce speculation; and
 - how to manage press interest if, and when, it should arise.

➤ **Resignation and Settlement Agreements**

- If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met. Schools must also consider whether a referral to the Secretary of State is appropriate. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement.
- Compromise/settlement agreements must not be used i.e. where a person agrees to resign with no disciplinary action, and an agreed future reference, if the member of staff is not suitable to continue in their employment with children. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.
- It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
- 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

➤ **Record Keeping**

- Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

➤ **References**

- Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

➤ **Timescales**

- It is in everyone's interest to resolve cases as quickly as possible and is consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.
- For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

➤ **Oversight and Monitoring**

- The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners. The designated officer(s) will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

- Police forces should also identify officers who will be responsible for:
 - liaising with the designated officer(s);
 - taking part in the strategy discussion or initial evaluation;
 - subsequently reviewing the progress of those cases in which there is a police investigation; and
 - sharing information on completion of the investigation or any prosecution.
- If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

➤ **Suspension from work and alternative duties**

- The decision whether to suspend the member of staff whilst investigations take place rests with the Head Teacher and/or Governing Body. They should however, make an informed decision by seeking a recommendation from the Strategy Meeting.
- **When allegations have been made, suspension should not be an automatic response**, all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.
- Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.
- The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:
 - redeployment within the school so that the individual does not have direct contact with the child or children concerned;
 - providing an assistant to be present when the individual has contact with children;
 - redeploying to alternative work in the school so the individual does not have unsupervised access to children;

- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the local authority.
- These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.
- If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.
- Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.
- Suspension may be considered at any stage of an investigation. It is a neutral act, not a disciplinary sanction and will be on full pay.
- Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the designated officer(s) should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

The member of staff should be provided with as much information as is consistent with not interfering with an investigation about the allegation. Advice should be sought from the investigating authorities and LADO in advance of this meeting.

➤ **Immediate action following suspension**

- If suspension is considered necessary, the HT should advise the member of staff and confirm the decision and reason in writing within one working day.
- The Head Teacher should inform the Chair of Governors and the LA formally in writing (The Chair of Governors should inform the Local Authority if a HT has been suspended).
- The Head Teacher sends a report to the Governing Body informing them that a member of staff has been suspended. The report should only contain minimum information to avoid prejudicing their impartiality in any subsequent hearing.

➤ **Persons to be informed of the suspension**

- The pupil or parent making the allegation should be informed of the suspension and asked to maintain confidentiality.
- Senior members of staff should be informed of the reasons for suspension but informing staff that an allegation has been made and whom it concerns.
- The HT should also consider whether it is necessary to inform other members of staff. Advice should be sought from the LADO and Strategy Group on this matter.
- In certain circumstances, the HT may need to provide immediate reassurance to parents and children. Again, advice should be sought from the LADO and Strategy Group on this matter. Any action should be considered against the need to avoid unwelcome publicity.

➤ **Review of suspension**

- All suspensions must be kept under constant review and are subject to a formal review with the staff member and his/her professional association/union after one month.
- The aim should be to ensure that suspensions are kept as short as possible.
For further guidance on deciding upon and managing suspensions see www.teachernet.gov.uk/docbank/index.cfm?id=6237

➤ **Suspension of a Governor**

In certain prescribed circumstances the governing body can decide to suspend a governor for a period of up to 6 months - but it does not have to do so (School Governance procedures - England - Regulations 2003). The governing body can only suspend a governor if one or more of the following grounds apply:

- The governor is paid to work at the school and is the subject of disciplinary proceedings in relation to his/her employment;
- The governor is the subject of any court or tribunal proceedings, the outcome of which may be that he is disqualified from continuing to hold office as a governor under schedule 6 of the regulations; or
- The governor has acted in a way that is inconsistent with the schools ethos or with the religious character and has brought or is likely to bring the school or the governing body or his office of governor into disrepute;

or

- A governor is in breach of his duty of confidentiality to the school, staff or to the pupils.

➤ **Information Sharing**

- In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
- Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
- Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay

➤ **Referral to DBS or Regulatory Body**

If the member of staff is found not suitable to work with children *Beechwood Primary School* will refer the individual to the Disclosure and Barring Service (DBS) for consideration for

barring. This includes where the member of staff resigns prior to conclusion of the investigation, the member of staff is dismissed, or when the school ceases to use their service as a result of a substantiated allegation. Where appropriate, consideration will be given as to if a referral to the Secretary of State is appropriate. If it is agreed that a referral is required or desirable, the Local Authority Designated Officer should advise on the form and content of such a referral.

➤ **Action during child protection/criminal investigations**

- Staff have a duty to assist the police and social services with child protection enquiries. Police should not normally conduct interviews on school premises, but where this is necessary, the interviews should be conducted at reasonable times.
- Staff must maintain confidentiality about the enquiry, other than fulfilling their obligation to assist police and social services.
- The LADO should maintain records for each case and monitor progress by seeking regular updates from the investigating agencies, and where appropriate the CPS.
- The LADO should also clarify what information can be shared with the member of staff concerned, to ensure regular briefings

➤ **Where criminal or child protection actions are not required**

Where the strategy discussion decides that a child protection or criminal investigation is not required, the HT, in consultation with the LADO and the Human Resources Officer, should consider whether to:

- Take no further internal action.
- Issue an informal warning and/or professional advice.
- Instigate an investigation under disciplinary procedures.

Action in respect of Unsubstantiated Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the strategy meeting should prepare a separate report of the enquiry and forward this to the designated senior manager of the employer to enable her/him to consider what further action, if any, should be taken.

Action in Respect of False Allegations

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is determined to be false, the employer, in consultation with the Local Authority Designated Officer should refer the matter to Children's Social Care to determine whether the child is in need of services, or might have been abused by someone else.

- If it is established that an allegation has been deliberately invented, or is malicious, the Police should be asked to consider what action may be taken.

No further action

- If it is decided that no further action should be taken, the HT, in consultation with the LADO and Human Resources Officers, should inform the member of staff orally and in writing – confirming that no action under disciplinary or child protection procedures will be taken. In advance of meeting the member of staff, they should be advised that they may be accompanied by a friend or union representative.
- A record of this decision and the actions taken must be kept by all parties.
- Consideration should be given to the provision of support or counselling for the member of staff concerned.
- The HT, in consultation with the LADO should inform the child and Parents of the outcome. If dissatisfied, they should be advised of the Council's Complaints Procedure.

- Consideration should be given to the provision of support for the child, and where appropriate, the parents.
- Where no further action has been decided because the allegation was demonstrably false and malicious intent was **evidenced**, a plan to address the child's behaviour should be agreed, with the involvement of those with parental responsibility.

Issue an informal warning and/or professional advice

- Where appropriate to offer an informal warning, consultation should take place with HR and LADO. The member of staff should be informed orally and in writing within 3 working days. In advance of meeting the member of staff, they should be advised that they may be accompanied by a friend or union representative.
- A record of the decision and advice/warning given must be kept by all parties.
- Any additional guidance or training required should be recorded and acted upon.
- The child and parents should only be informed that the matter has been taken seriously and that it is being dealt with in accordance with the correct internal procedures. Further information and outcomes remain confidential and should not be released.

Instigating an investigation under disciplinary procedures

- If a disciplinary investigation should take place, the HT, in consultation with the LADO and Human Resources Manager, appoints someone to conduct the investigation.
- If further investigation is needed to decide upon disciplinary action, the employer and the Local Authority Designated Officer should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.
- The aim of the investigation is not to prove or disprove an allegation, but to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. All possible steps must be taken to avoid repeated interviewing of children.
- If, at any stage, new evidence emerges which make a referral to Children's Social Care and/or the Police necessary under child protection procedures, the investigation should be adjourned and only resumed if the Police or Children's Social Care indicate that it will not interfere with any child protection enquiries or criminal investigations. Consideration should also be given as to whether the accused person should be suspended pending the conclusion of the investigations.
- The investigating officer should aim to provide a report within 10 working days. On receipt of the report, the employer should decide whether a disciplinary hearing is needed within 2 working days and if so, the hearing should be held within 15 working days.
- A written record of the outcome of any disciplinary investigation must be retained indefinitely on the member of staff's personal and confidential file.
- If the member of staff is dismissed, he/she should be informed about the employer's statutory duty to report their case to the Department for Education and Skills Teachers' Misconduct Team, for consideration of debarring from further employment with children.
- If the employee resigns before the disciplinary process is completed, the employer is not obliged to accept the resignation and appropriate attempts should be made to complete the process, so that the matter can be brought to a proper conclusion.
- Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept on the section of a pupil's file, which is not open to general disclosure, together with a written record of the outcome of the investigation. If there are related child protection concerns, records may be subject to disclosure; and, therefore, no assurances can be given regarding total confidentiality.

➤ **Agency Staff and Volunteers**

- Where a concern of a child protection nature is alleged in relation to a supply teacher/worker (from an agency or self employed), trainee teacher or a volunteer, the matter should be dealt with in the same way as employed staff.
- Where there are related concerns of a conduct or competency nature, it is the responsibility of the HT, in conjunction with the LA Lead Officer and Human Resources Manager, to deal with the matter in accordance with the school's disciplinary procedure.
- Liaison with a senior representative of an agent supplying a member of staff should also take place.
- An agent might include, for example:
 - An employment agency providing supply teachers/workers.
 - A training college placing a trainee teacher at a school as part of PGCE course.
 - A contractor providing services such as catering.
 - A voluntary organisation providing people to work with children.

➤ **Managing the Aftermath**

- If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff at a school, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.
- **There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**
- Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.
- If an allegation is determined to be unsubstantiated or malicious, the designated officer(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil or student.

➤ **Learning lessons**

- At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The designated officer(s) and

case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

- The impact on individuals concerned and the general morale within the school should be considered so that additional supports can be put in place.
- Risk assessments should also be considered in relation to any practices which have made either staff or children vulnerable.

For more detailed guidance on managing the aftermath of an allegation see

www.teachernet.gov.uk/docbank/index.dfm?id=6236

Signed _____

Date _____

October 18