

Category	Safeguarding & Child Protection		
Document Name	Allegations of Abuse Against Staff Procedures		
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Related Policies

Name	Reference
Allegations of Abuse Against Staff Policy	SC.P10
Safeguarding & Child Protection Policy	SC.P1
Recruitment Policy	HR.P1
Disciplinary Policy	HR.P2
Whistleblowing Policy	HR.P3
Staff code of conduct	SC.P1.M8
Data Security, Protection and Retention Policy	SY.P1
Notification Policy	GM.P8

Reference Material

Guidance
Working Together to Safeguard Children 2015
Keeping Children Safe in Education DfE September 2016
Local Safeguarding Children Board (LSCB) Child Protection procedures
What to do if you are worried a child is being abused – Advice for practitioners March 2015

Related Documents

Document	Reference
Data Retention Protocol	SY.P1.T1
Guidance for Staff Facing Allegation	SC.P10.T2
Support for Suspended Staff	HR.P2.T1



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1. Scope

This procedure complies with the Trust policy on Allegations of Abuse Against Staff and the DfE statutory guidance Keeping Children Safe in Education September 2016.

The Trust requires each school to deal with allegations quickly and fairly and implement these procedures consistently to manage situations where it has been alleged that staff or volunteers have:

- behaved in a way that has harmed a child or young person, or may have harmed a child or young person;
- possibly committed a criminal offence against or related to a child or young person; or
- behaved towards a child/young person or children/young people in a way that indicates he or she would pose a risk of harm to children.

This protocol does not seek to replicate more detailed resource material and advice available through the Local Children’s Safeguarding Board advice and material. However, it specifies core requirements and procedural steps within the Trust schools.

2. Procedure

In rare cases allegations will be so serious as to require immediate intervention by the relevant Local Authority (LA) Children's Social Care Services and/or Police. Others may seem much less serious and on the face of it will not warrant consideration of a Police investigation, or enquiries by Social Care. However, it is important that someone independent of the school concerned examines them objectively. Consequently, the Local Authority Designated Officer (DO) should be informed of all allegations that come to the schools attention, **on the same day**.

The Headteacher/Principal must not take any action or commence an investigation before consulting with the LADO. It is the responsibility of the Police and Social Care to investigate allegations of abuse.

If the allegation concerns the Headteacher/Principal, the Chair of Governors (CoG) should take the lead in managing any investigation, seeking the advice of the LADO, the Trust CEO and Trust Human Resources (HR).

2.1. Staff Member Receiving the Allegation

An allegation against a member of staff may arise from a number of sources e.g. a report from a child or young person, a concern raised by another adult in the school, or a complaint by a parent or carer.

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind and adhere to the following procedure:

DO NOT:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

DO:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the Headteacher/Principal (or Chair of Governors where the Headteacher/Principal is the subject of the allegation).

2.2. Headteacher/Principal (or CoG)

If the allegation meets the criteria (as stated in the 'Scope' section of this document) the Headteacher/Principal (or CoG) must report it to the DO within one working day. Referral should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

When informed of a concern or allegation, the Headteacher/Principal (or CoG) should not investigate the matter or interview the member of staff, child concerned or potential witnesses but should:

- Advise the person receiving the allegation or concern that the matter must remain in absolute confidence unless informed otherwise;
- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult 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 discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

If an allegation requires immediate attention, but is received outside normal office hours, the Headteacher/Principal (or CoG) should consult the Children’s Social Care Services Emergency Duty Team or the local Police and inform the LADO as soon as possible.

The Headteacher/Principal (or CoG), in consultation with the DO, will need to decide whether the allegation or concern requires the individual to be suspended, or otherwise deployed, while matters are investigated (see section on ‘Suspensions’).

The Headteacher/Principal (or CoG) may make basic enquiries to determine whether the allegation may be true. The enquiries should be minimal to establish the facts of the allegation, if these were not established or were unclear at the time of the original referral. For example:

- Was the pupil in school on that date?
- Did the pupil have contact with the member of staff?
- Have any other potential witnesses come forward?

In any case that appears to meet the criteria, the Headteacher/Principal (or CoG) should seek advice/consult with the LADO **on the same day**.

2.3. Headteacher/Principal (or CoG) and the Local Authority Designated Officer (LADO)

The Headteacher/Principal (or CoG) and LADO must consider the allegation and determine the appropriate way forward.

There are some circumstances, as well as physical intervention issues, when an allegation may not require referral under Safeguarding & Child Protection procedures, but it is best practice to still consult the DO:

- Where, following initial consideration, it is absolutely clear to the LADO and the Headteacher/Principal (or CoG) that the allegation is demonstrably false because the immediate circumstances of the allegation show that it could not be true, and if it is believed or the evidence points to the fact that the child/young person has made an obviously false allegation, a referral should be considered to the Pupil’s home Local Authority (LA) Children’s Social Care Services for an initial assessment of the child’s needs as the false allegation could be an indicator of abuse elsewhere (see section ‘False / Unsubstantiated Allegations’).
- The allegation may arise as a result of inappropriate behaviour or poor practice by a member of staff, which needs to be considered under the Trust Disciplinary Policy.

The considerations of all other allegations by the Headteacher/Principal (or CoG) and LADO are:

- Whether further details are needed and whether there is evidence or information that establishes that the allegation is malicious, false or unfounded. Care should be taken to ensure that the child or young person is not confused as to dates, times, locations or identity of the member of staff;
- If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer Significant Harm, the LADO should convene an immediate Strategy Discussion/Meeting.
- The Police must be consulted about any case in which a criminal offence may have been committed. If the threshold for Significant Harm is not reached, but a Police investigation might be needed, the LADO should immediately inform the Police and convene an Initial Evaluation (similar to a strategy discussion), to include the Police, Headteacher/Principal (or CoG), the Trust CEO and other agencies involved with the child/young person;

- The issue of whether suspension is appropriate should be considered at this stage, and a risk assessment completed (see Appendix A).
- Consideration by the Headteacher/Principal (or CoG) and Trust CEO (as employer) of disciplinary action.

2.4. Information Sharing

The Headteacher/Principal (or CoG) in consultation with the LADO must ensure there is no objection by the Police before contacting any parties (e.g. the subject of the allegation) and check what information can be shared. Subject to there being no objection, the Headteacher/Principal (or CoG) should:

1. Inform the person making the allegation that procedures are being followed and explain the likely course of action
2. Ensure that the parents of the child who is the alleged victim (where relevant) have been informed of the facts of the allegation and of the likely course of action (in all cases taking care not to breach privacy by disclosing third party information)
3. Inform the member of staff against whom the allegation is made and explain the likely course of action
4. Inform the Chair of Governors and CEO of the likely course of action
5. Comply with the [Trust GM.P8 Notification Policy](#).

Where the Police object to the above, it then becomes their responsibility to inform the Headteacher / Principal (or CoG) or LADO when the notifications may or have taken place. A written record of action should be made by the Headteacher / Principal (or CoG).

2.5. Strategy Discussions/Meetings

A Strategy Discussion (either via a meeting or telephone) is coordinated and chaired by the LA Children's Services Assessment Team Manager or LADO the Headteacher/Principal (or CoG); the Trust CEO and HR may also be in attendance as appropriate.

The member of staff who is the subject of the allegation will not be invited to attend the meeting, however the individual will be informed of the outcome and whether the matter will be investigated, at a time and in a form agreed by the Chair/Convener of the Discussion/Meeting and/or on the advice of the police.

Care should be taken to deliver feedback to the accused as quickly as possible, in privacy, advising them to seek the support of their professional association or/and legal advice if they wish. (Legal advice, unless obtained through the professional association, will be at the person's own expense except in the case of arrest when legal advice can be sought through the person's own, or the Police Station Duty Solicitor).

The purpose of the Strategy Discussion/Meeting is to:

- Determine if a Section 47 Enquiry and/or Police investigation is required
- Consider disciplinary actions (see section on 'Disciplinary Process')
- Agree information sharing (what, with whom and when)
- Consider previous allegations or concerns
- Take account of entitlement by staff to use reasonable force to control or restrain children and young people
- Consider if complex (organised or multiple) abuse is applicable (defined as abuse involving one or more abusers and number of children – related or unrelated)
- Consider risks to the child/young person or other children/young people and take emergency action if required
- Ensure staff and pupil(s) receive appropriate support

- Make suggestions regarding suspension or alternatives
- Identify lead contacts within each agency
- Consider issues for school management such as media interest, resource implications
- Consider referral to the Disclosure & Barring Service (see section on 'Referral to DBS')
- Consider risk assessments to inform the schools Safeguarding & Child Protection procedures
- Determine a plan for further enquiries and actions with clear timescales, including date of next Strategy Discussion/Meeting and protocols for reviewing investigation and monitoring progress by the LADO

2.6. Allegations against staff in their personal lives

If an allegation or concern arises about a member of staff, outside of his/her work with children, and this may present a risk to children for whom the member of staff is responsible, the general principles outlined in these procedures will still apply. The LADO should be informed and a risk assessment undertaken.

Where it is known that an allegation of abuse has been made against someone closely associated with a member of staff eg partner, household member etc, the LADO should be informed and a Strategy Discussion convened.

2.7. Disciplinary Process

Any disciplinary process should be discussed with the LADO and clearly separated from a criminal investigation, and not commenced unless:

- a Police investigation or Children's Social Care Services enquiry is not required or;
- the employer or LADO is informed by the Police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

In situations where there is clearly an issue/s that may fall within the remit of gross professional misconduct or professional misconduct, the Trust and Headteacher/Principal (or CoG) has the right/duty to take disciplinary action to protect children and young people and reputation of the Trust and the school. This will always be clearly communicated to partner agencies such as the Police/Social Care.

In some cases, the Headteacher/Principal (or CoG) will need to consider a case in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation. For example, when an allegation is made against a supply teacher provided by an agency, a person employed by a contractor, or a volunteer provided by a voluntary organisation. Volunteers or self-employed people cannot be subject to disciplinary procedures, but a decision will still need to be made about whether to continue to use the person's services and whether to make a referral to the Disclosure and Barring Service (DBS) in discussion with the Trust CEO and HR.

2.8. Direct Referral to the Police or to LA Children's Social Care Services

Parents/carers or pupils may make a direct referral to the Police or Children's Social Care Services regarding a member of staff. Any such referral must be dealt with in accordance with the Trust Safeguarding & Child Protection Policy and related school procedures. Children's Social Care Services or the Police will immediately inform/discuss with the LADO. Consideration will take place regarding the nature of the allegation, any information available from the school. Further action will be determined and a Strategy Discussion/Meeting arranged, if required.

In some cases, the Police may wish to interview the member of staff against whom the allegation is made before the Headteacher/Principal (or CoG) has advised the member of staff of the allegation. The Headteacher/Principal (or CoG) are expected to facilitate this and maintain confidentiality. This should only occur on rare occasions following a serious allegation. The Police will request this in circumstances when they believe that informing the member of staff could jeopardise a criminal investigation.

2.9. Planned Communication with the Community and the Media

In relation to teaching staff, schools have a statutory duty to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered. The same principle should be applied to all other school staff. Police will not normally provide any information to the Press or media that might identify an individual who is under investigation, unless or until the person is charged with a criminal offence. Parents and children should be made aware that breaching the accused person's confidentiality (including by social media) is unlawful.

Prior to the initial Strategy Discussion/Meeting, details of any complaint should not be discussed with members of staff, or the community, including Governors (The Headteacher/Principal may wish to inform the Chair of Governors that an allegation is being investigated but no detail should be disclosed as this may prejudice any subsequent disciplinary action). It would be advisable at this stage to acknowledge that any complaint is being formally looked into.

- Decisions will be agreed as soon as it is practically possible about the timing and release of relevant information at the Strategy Discussion/Meeting. Release of information could include a press statement, agreed between the Police and Council press offices (for use in the event that a parent/carer or pupil, or other third party, makes the media aware of the allegation), a letter to parents, statements to children/young people, statements to other members of staff
- Anyone contacted by the media seeking information should note the caller's name, telephone number, organisation, deadline, and line of enquiry/questions. **DO NOT GIVE ANY INFORMATION** but tell them someone will call them back, and pass the details immediately to the Trust for the attention of the CEO.
- The member of staff should be advised of any early indications of media coverage

2.10. Suspension

A member of staff against whom an allegation is made should not automatically be suspended. Suspension is not only a traumatic experience for the individual involved but also for their family and the whole staff group.

A decision to suspend and/or take disciplinary action is for the Headteacher/Principal (or CoG) in consultation with the Trust CEO and HR and seeking advice from the LADO. However, where a Strategy Discussion/Meeting or Initial Evaluation concludes that there should be enquiries by Children's Social Care Services and/or an investigation by the Police, the LADO will canvass their views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

Suspension should only be considered if:

- there is cause to suspect a child has suffered significant harm
- the allegation warrants investigation by the Police
- the allegation is so serious that it might be grounds for dismissal

Suspension and likewise the lifting of suspension may be considered at any stage of an investigation.

Paid leave of absence, mutual agreement to refrain from work, alternative duties/locations or removal from direct contact with the pupils may also be used as an alternative to suspension.

A risk assessment must be undertaken for each individual case to determine whether the member of staff should be suspended and take into account the context of the allegation, background information regarding the member of staff and information regarding the family/ pupil. The risk assessment must be recorded with the reasons and justification (see Appendix A) and a copy kept on the member of staff's personnel records.

If suspension is used, the reasons and justification for this should be recorded in writing, placed in the personnel record and a copy provided to the member of staff.

If the decision is made not to suspend, a copy of the risk assessment must be shared with the LADO, Trust CEO and Chair of Governors.

Process of Suspension

The process below must be read in conjunction with the Trust protocol '[HR.P2.01 Support for Suspended Staff](#)'.

- 1) Any decision to suspend a member of staff can only be made by the Headteacher/Principal (or CoG) acting in consultation with the Trust CEO and HR and seeking advice from the DO. The Chair of the Governors will therefore need to be informed.
- 2) In the case of an incident where it is not practicable to obtain immediate advice, for example at the weekend, a reasonable course of action, as an interim measure, would be to send the individual(s) home. Although legally this may be regarded as suspension, at this stage the proper process of suspension will not have been taken. Also, the action is easily reversible, should the Headteacher/Principal, in consultation with the Trust CEO and HR and seeking advice from the LADO subsequently decide to take alternative action. If the decision is subsequently to suspend, then the normal process should be carried out immediately.
- 3) Where possible, the suspension should be carried out face to face with the member of staff concerned. He/she will not be offered the opportunity to be accompanied at the meeting to suspend him or her, although a request to be accompanied by a work colleague or a trade union/ professional association representative will not be refused provided it does not unduly delay the process.
- 4) The process must be handled sensitively. The member of staff should be informed that an allegation has been made against him/her and that suspension is being considered as a precautionary measure pending a full investigation of the case.
- 5) The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with the section in this protocol on 'Information Sharing'.
- 6) The member of staff should be informed that he/she will be required to attend an investigatory interview (where relevant with the Police) and will have the opportunity to put forward his/her side of the case.
- 7) The individual may feel they need help and can get advice by approaching their trade union representative/ professional association or an agency, such as the Citizen's Advice Bureau, or a solicitor using the Legal Aid Scheme. A work colleague may also assist an individual. An information leaflet '[SC.P10.T2 Guidance for Staff Facing Allegations of Abuse](#)' is available from the Trust or school management for the individual.
- 8) The individual should be offered a named Contact Person, normally from outside his/her line management, who can offer support and keep the individual informed of progress of the case. (Refer to '[HR.P2.T1 Support for Suspended Staff](#)').

- 9) Where suspension is in place, a school link person (a senior manager) should be appointed to maintain the links between the school and the suspended member of staff in relation to school activities and updates only.
- 10) It should be explained to the member of staff that his/her suspension will be on full pay and that he/she will be required to be contactable by management during the period of suspension. The member of staff will not be prevented from having social contact with colleagues unless this may prejudice the objectivity of the investigation. The member of staff will not be permitted to attend the workplace without the permission of the Headteacher/Principal (or CoG).
- 11) If as a result of the interview it is considered by the Headteacher/Principal (or CoG) that suspension is necessary along with a full investigation of the allegation, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within 24 hours, giving the reasons for suspension. Wherever possible written confirmation should be prepared and handed to the individual at the meeting, with a copy for their professional association representative if required.
- 12) It is also appropriate to agree with the member of staff what his/her colleagues and the wider school community will be told concerning the reason for his/her absence. This is particularly important in cases of a sensitive nature and will allay continued suspicions or doubts if he/she returns to work on the conclusion of any investigation/disciplinary action.
- 13) The member of staff should be asked to return any school/pupil books or keys, as appropriate, and, under supervision, collect any personal belongings, which he/she might need during the period of suspension.

Review of Suspension

- 1) All suspensions must be kept under constant review and should be subject to a formal review with the member of staff and his/her Teacher Association/Trade Union or other representative as in accordance with the Trust 'HR.P2 Disciplinary Policy'.
- 2) The aim should be to ensure that suspensions are kept as short as possible. It is unfair on a member of staff to delay the process of investigation and resolution of any disciplinary issues.
- 3) Except in very complex circumstances individuals should not be subject to protracted suspensions.
- 4) Suspension can only be lifted by the Headteacher/Principal (or CoG) and CEO working collaboratively.

Note: In cases where the Headteacher/Principal is the subject of allegations and are suspended, the same principles will apply except that the Chair of the Governors/CEO will be responsible for the suspension.

2.11. Police/Children's Social Care Services Enquiries Under Section 47 Children Act 1989

The LADO and Headteacher/Principal (or CoG) are responsible for checking the progress of any investigation. Close communication is required between the school, the Police and Children's Social Care Services. The Strategy Discussion/Meeting will have determined the need for any further Strategy Discussion/Meeting(s) and how the progress of the investigation will be monitored.

If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should at the outset set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to proceed; charge the individual with an offence, or close the case.

Wherever possible the review should take place no later than 4 weeks after the initial action meeting and if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point.

2.12. Police/Children's Social Care Services Investigation: Sharing information

If the Police / CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the Police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the Trust/school as soon as possible.

In any case in which Children's Social Care Services has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the Trust/school.

If the person is convicted of an offence, the Police should also inform the Trust/school straight away so that appropriate action can be taken.

The weight of evidence for a criminal prosecution is 'beyond reasonable doubt', whereas the weight of evidence for a civil or disciplinary matter is 'balance of probability', therefore, the lack of criminal charge or prosecution does not mean no further action should be taken.

2.13. Allegations not referred to Police/Children's Social Care Services

Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the Headteacher/Principal (or CoG) to decide on the next action, in consultation with the Trust CEO and HR and seeking advice from the LADO.

Depending on the evidence and information available options will range from no further action to summary dismissal or a decision not to use the person's services in future.

If the nature of the allegation does not require formal disciplinary action, the Headteacher/Principal (or CoG) should institute an appropriate way forward **within 3 working days**.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

The Headteacher/Principal (or CoG) may decide to:

- Take no action in relation to the member of staff if the allegation is accepted to be of a malicious or false nature;
- Provide professional advice, training and support (in the case of a minor professional conduct issue);
- Consider whether any Trust Policy or school procedure failures contributed to the situation which should be addressed;
- Instigate an investigation under disciplinary procedures (in the case of a professional conduct / misconduct issue). This should be taken forward in accordance with the Trust [HR.P2 Disciplinary Policy](#), with the assistance of HR and the CEO.

2.14. False/Unsubstantiated Allegations

The Headteacher/Principal (or CoG) and LADO may conclude that the allegation is false or unsubstantiated or the Police/Children's Social Care Services team may determine the allegation is unsubstantiated following a full investigation. In this case, the Headteacher/Principal (or CoG) should in consultation with the LADO and CEO:

- 1) Where the allegation was made by a child, refer any false allegation to Children's Social Care Services (in the pupil's home Local Authority) to determine whether the child concerned is in need of services, or may have been abused by someone else.

- 2) Inform the member of staff verbally and in writing of the allegation and that no further action is to be taken under Trust Disciplinary Policy or Safeguarding and Child Protection Policy and related school procedures. The member of staff may be accompanied by a trade union representative or friend.
- 3) Consider whether counselling and/or informal professional advice to the member of staff is appropriate, and in what form
- 4) Inform the parents/carers of the child/young person or children/young people of the allegation that it has been dealt with appropriately. Parents do not have the right to know the detail but should be informed of the outcome of any investigation.
- 5) Consider appropriate counselling and support for the child/young person or children/young people who made the allegation(s) and, where appropriate, their parents/carers: in particular, consider what follow up action should be taken in regard to a person or child/young person who has made an allegation that is shown to be false or unsubstantiated.
- 6) False and unsubstantiated allegations will not be shared in employment references, even where there has been a history of allegations.

The Headteacher/Principal (or CoG) is required to prepare a report consisting of the above points and giving reasons for the conclusion that the allegation is unsubstantiated.

2.15 Malicious allegations

An allegation can only be recorded as 'malicious' in consultation / agreement with the LADO. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Headteacher/Principal (or CoG) should consider whether any disciplinary action is appropriate against the pupil who made it, or the Police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

[Information relating to malicious allegations will be removed from personnel records and will not be shared in employer references.](#)

2.16 Following Conclusion of Criminal Proceedings

Headteacher/Principal (or CoG), with Human Resource advice and in discussion with the DO will consider whether or not a disciplinary hearing should be convened **within 15 working days**. If it is decided to convene a disciplinary hearing, the Headteacher/Principal (or CoG) should also consider what training/guidance/support should be provided to the members of the Governing Body who will hear the case.

Relevant information from the Police/LA Children's Social Care Services investigation, including witness statements (with permission), exhibits, and transcripts of video recorded interviews with children/young people (with parent/child permission), can be requested from the Police, and LA Children's Social Care Services, for use in the disciplinary process. Police or Social Workers could be requested to attend a hearing as witnesses. It is important to use investigation material in this way rather than resort to any need to interview a child/young person.

The Headteacher/Principal/CEO attending Strategy Discussions/Meetings should raise such a request as part of the Strategy Discussions process, particularly at first, and final meetings. Where records cannot be disclosed, the Chair/Convenor of the Strategy Discussion/Meeting should be asked to provide a full summary report for use in the disciplinary process instead.

A school clear action plan with timescales should be established to cover:

- 1) Any further action via disciplinary procedures

- 2) Information to be given to the child and family making the allegation
- 3) Information to be given to staff group at school; a meeting to update staff on the current position may be helpful observing the individual's right to confidentiality
- 4) Information to be given to other parents/carers
- 5) Support to be made available to pupil and/or family
- 6) Support to be made available to member of staff
- 7) Media statement reviewed.

The individual employee should not return to school until after:

- A review of the risk assessment has taken place and a decision has been agreed to lift the suspension or
- Any disciplinary process is completed and appropriate action taken and
- A clear action plan to support the child and the member of staff has been agreed

2.17 Referral to the Disclosure & Barring Service (DBS) and other regulatory bodies

Where the accused person is in regulated activity, the Trust and each school is required by law to make a referral to the DBS in discussion with the DO and taking account of Human Resources advice, where they cease to use the person's services, or the person ceases to provide his/her services, before or after a disciplinary process is completed, because they are considered unsuitable to work with children.

A referral should be submitted **within one month** via the Trust Human Resources Manager.

Settlement agreements must not be used in these cases, and do not override the statutory duty to report the matter. Failure to make such referrals is an offence and carries a significant penalty ([refer to the Trust HR.P1.T4 DBS Procedures](#)).

These reporting arrangements apply to anyone who works in a school, including volunteers, if they are in regulated activity. They also apply to staff convicted of a criminal offence against children outside the work setting, when notification may be through the Police.

There is an additional requirement that residential schools report such matters to OfSTED following discussion with the LADO. It is the responsibility of the Headteacher/Principal to make this referral, and to inform the individual of its statutory duty to do so.

Where an allegation is upheld against a teacher, the school may also have a duty to refer that teacher to the National College of Teaching & Leadership (NCTL) to consider whether that person should be prohibited from teaching. There would be a similar duty to make referrals to other relevant regulatory bodies e.g. the Health Care Professionals Council (HCPC) (social workers and health care practitioners)

2.18 Recording and the Retention of Records

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is held on the individual's confidential personnel file 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 if the person has moved on. Appendix B should be used to record the outcome of all allegations.

Accurate, clear records will provide clarification in cases where a future DBS check reveals 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. The

record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.¹

All details of allegations that are found to be malicious should be removed from personnel records

Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept securely on the section of a pupil's record, which is not open to disclosure, together with a record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure, and therefore no assurances can be given regarding confidentiality.

2.19 Review of Procedures

The Trust requires school management to review allegations, the investigation process and outcomes to determine if improvements can be made to school procedures, training or practice.

Where suspension has been used, the school must review with the DO on conclusion of the case whether that suspension was necessary and proportionate. The outcome of this review will be recorded in writing.

An annual report to the school's Governing Body will inform the school's action plan detailing improvements arising from the review.

¹ NB For the duration of the Independent Inquiry into Child Sexual Abuse (IICSA), it is an offence to destroy any records or files that could be called as evidence to the inquiry. This means that normal data retention schedules do not currently apply to allegations that children have been sexually abused in schools or other organisations.

3. Appendix A: Risk Assessment

Suspension should only be considered if one or more of the following apply:

- A child or children are at risk of significant harm
- The allegation warrants investigation by the Police
- The allegation is so serious that dismissal / gross misconduct is possible

Assessment	Consideration
CONTENT OF INCIDENT: Duration and frequency of abuse Degree of threat or cohesion Extent of premeditation Degree and nature of harm	
INFORMATION RE STAFF MEMBER: Previous concerns Previous allegations Attitude to allegation Contact with pupil	
INFORMATION RE CHILD: Age and level of understanding Special needs and vulnerability Impact on health and development Previous allegations	
INFORMATION RE PARENT / CARER: Attitude to allegation Expectations Previous allegations	
SCHOOL PROCEDURES AND POLICY: Policy/procedure in place? Degree of compliance Training	

Risk identified and action plan:

Risk	Action
1.	

Outcome and Signatures:

Suspension (Y/N)		Date of decision	
Headteacher/Prinicpal		Signature of Headteacher/Prinicpal	
Chair of Governors		Signature of Chair of Governors	
Trust CEO		Signature of Trust CEO	

Appendix B: Summary of Child Protection Allegation

HIGHLY CONFIDENTIALⁱ

Summary of Child Protection Allegation/Concern to be placed on Personnel File/kept by the Agency

Name

Date

Explanatory statement

This statement is made in accordance with the statutory guidance 'Keeping children safe in education' (DfE 2016), and "Working Together to Safeguard Children" DfE 2015

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept on an employee's confidential personnel file, (or in the case of a volunteer, confidentially stored by the agency), and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record should be retained at least until you have reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Summary of allegation:

How allegation was followed up:

Outcome of investigation*

Action taken and decisions reached

Employee Comments

Signed by: _____
Responsible Manager

LADO: _____

Employee: _____

***Outcomes:**

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.

LADO (Local Authority Designated Officer) refers to the officer(s) designated to give advice and monitor allegations against adults working with children.

ⁱ With thanks to Kent for joint work on this with Surrey