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## Dealing with Allegations against Staff in Schools/Academies (Including Headteachers)

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The following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff have agreed this Policy and Guidelines:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Unison
- GMB
- Voice

The following professional Trade Unions were consulted:

- Association of School and College Leaders
- Unite

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**If you would like help to understand this document, please contact HR Services.**

**In terms of employment legislation, the procedure is for guidance only and does not form part of an employee's contractual rights. The contents may be subject to revision from time to time**

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## 1.0 Introduction

- 1.1 Ensuring that robust policies are in place to deal with allegations of abuse against staff in schools/academies (including Headteachers) is an important part of safeguarding children in education.
- 1.2 Governing bodies and proprietors must ensure they adopt policies and procedures that meet with statutory legislation.
- 1.3 The Diocese of Hereford Multi-Academy Trust ('Trust') and its Academies is committed to safeguarding and promoting the welfare of all pupils in its care and expects all staff and volunteers to share this commitment.
- 1.4 This procedure complies with the statutory guidance from the Department for Education "Keeping Children Safe in Education (KCSiE)." This policy forms part of the HR KCSiE Framework to support Schools/Academies to meet their responsibilities with regards to safeguarding and child protection.
- 1.5 Other HR KCSiE policies and guidance include:
  - Safer Recruitment Policy
  - DBS Guidance for Schools
  - Suitability Disqualification Guidance for Schools
  - Single Central Record Guidance for schools
  - Child Reporting Concerns Guidance
  - Confidential Reporting and Whistleblowing Policy
  - Staff Code of Conduct
  - Low Level Concerns Policy
  - Dealing with Allegation of Abuse Against Staff in Schools
- 1.6 The procedure closely follows the KCSiE statutory guidance in seeking to manage cases of allegations that might indicate that a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that any member of staff in an academy (including volunteers, temporary, casual and supply staff) 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 he or she would pose a risk of harm children.**

For concerns about members of staff that do not meet the above criteria, please refer to the Low Level Concerns policy and procedures.

- 1.7 Reference to the term 'abuse' within this procedure means any alleged action, which is covered by the above criteria.
- 1.8 Cases where an allegation is made against a member of staff need to be dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- 1.9 Cases must also be managed with the exercise of common sense and careful 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 the Safeguarding Initial Contact Team.
- 1.10 This procedure does however, recognise the need for the academy to work closely with the Trust and Local Authority and the importance of the initial contact and consultation with a nominated designated officer in the event of any allegation being made cannot be emphasised too greatly.
  - 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.

## **2.0 Legislation**

- 2.1 The following legislation is related to the operation of the procedure:
  - The Children Act 1989
  - Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
  - Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
  - The Children Act 2004
  - Section 11 of the Children Act 2004 (other agencies)
  - Sections 141F, 141G and 141H3 of the Education Act 2002.

### 3.0 Definitions

3.1 The procedure adopts the following definitions:

<b>Designated Lead:</b>	The senior member of staff appointed from the academy leadership team with specific responsibility with lead responsibility for safeguarding and child protection. The Designated Lead will be responsible for coordinating action within the academy and for liaising with the Safeguarding Initial Contact Team over suspected child abuse.
<b>Local Authority Designated Officer / Risk Manager:</b>	The nominated officer with the Local Authority with responsibility for oversight of the procedures for dealing with allegations; for resolving inter-agency issues, and for liaison with the Shropshire Safeguarding Children's Board
<b>Local Academy Board/Strategic Task Group (LAB/STG)</b>	The delegated local governance within the academy

### 4.0 Monitor & Review

- 4.1 The Trust along with the Local Academy Board (LAB) will monitor the outcomes and impact of this policy/procedure on an annual/bi-annual basis in conjunction with academy representatives.
- 4.2 This procedure will be reviewed no later than 3 years by the Trust, Human Resources in consultation with Trade Unions, unless there are any legislative changes.

# PROCEDURE

## 1.0 Action on receipt of an allegation

- 1.1 Pupils who report that they have been abused by a member of staff must be listened to whatever form their attempts to communicate their worries takes. On no account should suggestions be made to pupils as to alternative explanations for their worries. A written, dated record must be made of the allegations as soon as practicable (**and in any case within 24 hours**) by the member of staff receiving them which is signed and dated. This must record any information about times, dates, locations and names of potential witnesses.
- 1.2 In cases where the allegation is not made by the pupil but by a parent or carer then the details must be similarly recorded.
- 1.3 Staff cannot promise total confidentiality to pupils who make allegations. A member of staff hearing an allegation against another should inform the pupil of the need to give consideration to their allegation and to take action as required by this procedure.
- 1.4 Where a pupil says they do not wish to take the matter further, consideration should be given to the age and understanding of the pupil and whether the pupil or others may be at risk of harm. The member of staff should discuss the matter with the Designated Lead and the Headteacher (and no other person). The LADO/Risk Manager or nominated contact officer (see 1.5 below) should be consulted if there is any doubt as to how to proceed.
- 1.5 Where the Headteacher is the subject of the allegation or concern, this should be referred to the chair of the Local Advisory Board or Strategic Task Group. The LADO/Risk Manager, or nominated contact officer (see 1.7 below), should be consulted if there is any doubt as to how to proceed and the CEO of the Trust informed immediately.
- 1.6 The Headteacher, or where the Headteacher is the subject of the allegation or concern the next most senior member of staff, must report the matter to the Safeguarding First Point of Contact team (FPOC) and send a copy of the recorded allegation, referred to at 1.1 above, marked Private and Confidential, within 24 hours of receiving the allegation. A child concern form will be completed by the FPOC team which will then be referred to the Initial Contact Team and/or the LADO/Risk Manager for consideration in accordance with 2.2 below.

1.7 The LADO/Risk Manager is:

Shropshire	Ellie Jones	03456 789021	LADO@shropshire.gov.uk
Herefordshire	Terry Pilliner	01432 261739	LADO@herefordshire.gov.uk
Worcestershire	Jon Hancock	Phone: 01905 843311 via the Duty LADO 01905 846221	LADO@worcschildrenfirst.org.uk or

The nominated contact officers acting as further initial point of contact are the Trust's HR Business Partners:

Paul Jones	(01743) 254410
Louise Smith	(01743) 254204
Dawn Coss	(01743) 281375

1.6 Where the member of staff against whom the allegation is made is not employed directly by the school/academy, the individual receiving the allegation must still act in accordance with the paragraphs above in order that the matter is brought to the attention of the appropriate person.

1.8 Notify the Chief Executive Officer of the Trust of any referrals to LADO.

**2. Urgent initial consideration of whether there is substance in an allegation**

2.1 Following referral as set out in 1.5 above, in the light of the information available at this stage, consideration will be given as to whether to investigate under local child protection procedures. This consideration may involve initial discussion with other child protection agencies. There will be one of four possible outcomes of that consideration.

2.2 (Note: The immediate priority will be to determine whether a pupil or pupils are at risk of harm and in need of protection. Any action taken to establish the nature of the allegation and whether it should be investigated should be undertaken in a way which does not prejudice any subsequent action. In particular, there must be no interference with evidence. It is important to recognise that establishing whether an allegation warrants further investigation is not to form a view on whether the allegation is to be believed. **A Headteacher is not expected to investigate the allegation itself, or formally interview pupils, but to consider, with the LADO/Risk Manager or nominated contact officer when necessary, whether the allegation requires further investigation.** Only if the allegation was demonstrably false or unfounded, would a further investigation *not* be warranted.)



(i)	(ii)	(iii)	(iv)
The seriousness of the allegation or concern warrants consideration under the local child protection procedure.	There is reason to suppose abuse could have occurred and that referral under the local child protection procedure or under internal disciplinary procedures may be necessary.	That the allegation was prompted by inappropriate behaviour by the member of staff (which may need to be considered under local disciplinary procedures) but there is no evidence of abuse.	That the allegation appears to be unfounded or is demonstrably false.

### **3.0 Allegations, which call for referral to Child Protection Agencies**

3.1 Where there is a referral to local child protection agencies, resulting from the outcomes at (i) or (ii) in paragraph 2.1, a strategy or evaluation meeting will normally be convened in accordance with the “Working Together to Safeguard Children” Document. This meeting will be called as a matter of urgency and involve some or all of the following:

- The member of staff who received the allegation
- The Designated Lead for Child Protection (as necessary if other than the Headteacher)
- The Headteacher (or Chair of LAB/STG, where the Headteacher is the subject of the allegation)
- The LADO/Risk Manager
- The officer acting as nominated contact under this procedure
- Representative (s) of the Initial Contact or Assessment Team
- Representative(s) of the Police

3.2 The strategy/evaluation discussion/meeting will consider whether any other children are likely to be or have been at risk in the light of the allegation and whether it may be necessary to review any previous allegations made against the member of staff or to consider interviewing any other children including former pupils of the academy. Where the allegation relates to physical contact the discussion will take account of DfE guidance on Use of Reasonable Force.

- 3.3 An important additional issue for the strategy/evaluation discussion/meeting is the welfare of the member of staff against whom an allegation has been made, balancing the interests of the investigation and the need to protect pupils with the need to minimise the stress to a person who may be the subject of a false, malicious or unfounded allegation.

#### **4.0 Police Involvement**

- 4.1 In some cases the police might wish to interview the member of staff against whom the allegation is made as an investigation of a possible criminal offence. The police may act independently of the academy, particularly where the alleged offence is unconnected with the member of staff's professional life. Police officers should be given every assistance with their enquiries but confidentiality about the enquiries should be maintained in the interests of the member of staff.
- 4.2 Where the police are involved, wherever possible the nominated contact officer will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any 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. Safeguarding 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 nominated contact Officer.

#### **5.0 Notification of Interested Persons**

- 5.1 The parents or carers of a pupil who has made or is the subject of an allegation, if they do not already know of it, should be made aware of the allegation as soon as possible. The Headteacher, or next most senior member of staff where an allegation is against the Headteacher, should on reporting the allegation discuss with the nominated contact officer how and what information parents/carers should be informed of. The nominated contact Officer may need to discuss this with representatives of the child protection agencies prior to giving advice. In some cases, however, such as where a pupil has suffered an injury, parents/carers may need to be notified immediately.
- 5.2 Where a joint strategy/evaluation meeting is held the question of whether any investigation would be hindered by an approach to or communication with parties at an early stage should be discussed. The Headteacher, or next most senior member of staff, in consultation with the child protection agencies must determine a communication strategy before contacting any parties. Subject to there being no objection the Headteacher, or next most senior member of staff, should:

- (a) inform the pupil, pupils or parent(s) making the allegation and explain the likely course of action;
- (b) ensure that the parents of the pupil or pupils who are the subject of the allegation are informed of the likely course of action;
- (c) inform the member of staff against whom the allegation is made and explain the likely course of action;
- (d) inform the Chair of the LAB/STG.

A written record of these factual matters should be made.

5.3 Where there is an objection, such as by the Police, to the Headteacher, or next most senior member of staff, acting in accordance with (a) - (d) above, he/she should be informed accordingly, and arrangements made to keep him/her informed of progress

## 6. Considering whether suspension is appropriate

6.1 In some cases, the Headteacher, or Chair of LAB/STG where an allegation has been made against the Headteacher, will need to give consideration to the question of suspension but he/she must not automatically suspend or recommend suspension of a member of staff against whom an allegation is made.

6.2 Suspension is not in itself a disciplinary sanction though it should not be undertaken without good reason. **Circumstances in which suspension is likely:**

- (i) **Where there is cause to suspect that a pupil or pupils are at risk of significant harm.**
- (ii) **Where the allegations are so serious that dismissal for gross misconduct is a possible outcome.**
- (iii) **Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.**

6.3 In a case of a serious allegation requiring immediate referral to the police or ICT, immediate suspension is likely. In other cases, suspension may or may not be appropriate. All options to avoid suspension should be considered prior to making a decision to suspend and consideration must be given to whether the purpose of any suspension may be achieved by alternative arrangements. Based on an assessment of risk, the following alternatives should be considered before suspending a member of staff:

- Redeployment within the academy 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 academy 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 academy or work for the local authority or academy trust.
- 6.4 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. Consideration must be given in this way as potential permanent professional reputational damage to employees can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.
- 6.5 In consultation with the nominated contact officer, the Headteacher or Chair of LAB/STG should consider any recommendation which may be made as a result of any joint strategy discussion/meeting before a decision to suspend is taken.
- 6.6 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the LADO. This should also include what alternatives to suspension have been considered and why they were rejected. The individual should be able to contact their Professional Association or Trade Union representative.
- 6.7 Suspension may be considered at any stage of an investigation, but the above considerations must be followed.

## **7.0 An Interview to consider suspension**

- 7.1 Where the suspension of a member of staff is being considered, an interview should be arranged. The Headteacher, or Chair of LAB/STG where an allegation has been made against the Headteacher, should consult with and seek advice from the contact officer. Where the Headteacher is considering the suspension of a member of staff he/she will consult with the Chair of LAB/STG. (Note: Where the member of staff is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary, or a full-time official of the trade union concerned).
- 7.2 Where the police are involved in a criminal investigation any interview where suspension is to be considered, should not be arranged without prior consultation with an appropriate Police Officer. Where there is no police involvement, an interview should be arranged in accordance with the following procedures.

- 7.3 The member of staff called to an interview where suspension is a possible outcome should be provided with a copy of this procedure and advised to seek the advice and assistance of their trade union or professional association. He/she should be offered the opportunity to have a trade union or professional association representative attend the meeting. If the representative is not however available, then the meeting should not be unduly postponed (it is considered that it would not be unreasonable to postpone the meeting so as to allow for the attendance of a representative provided that this would be for a period of **no more than one working day**). A member of staff who is not a member of a trade union or professional association may be assisted by a friend/person of their choice.
- 7.4 Prior to the meeting, the member of staff, where being accompanied, should be offered the opportunity of a brief meeting with the representative or friend. It should be made clear that the interview is not a formal disciplinary hearing but is for the purpose of putting forward a serious allegation or matter which may lead to suspension and further investigation.
- 7.5 The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. He/she should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. The member of staff should be given an opportunity to make representations concerning the suspension. A brief adjournment should be offered to the member of staff prior to his/her response.
- 7.6 If, as a result of the interview, it is considered that suspension is necessary along with a full investigation of the allegation, the member of staff should be advised that they are suspended from duty. Written confirmation of the suspension should be dispatched **within one working day**, giving reason for the suspension and the conditions with which the member of staff must comply.

## 8. Confidentiality

- 8.1 It is extremely important that when an allegation is made, the academy makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same academy (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 publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply

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.

8.2 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. An example of this would be a parent publishing details of the allegation on a social networking site (if what was published could lead to the identification of the teacher by members of the public).

8.3 Agreement should be reached regarding 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.

8.4 Although the Education Act 2011 specifically refers to teacher, the provisions above should also be followed for any member of staff.

## **9.0 After a decision to suspend pending investigation**

9.1 It should be reported to the Local Academy Board/Strategic Task Group (LAB/STG), that a member of staff has been suspended pending investigation. It is advisable to provide no more than the minimum information necessary to the Local Governing Body, as more than this would prejudice governors’ impartiality in any subsequent hearing or appeal in disciplinary proceedings.

9.2 Members of the academy’s leadership group and/or other staff who need to know of the reason for the suspension should be informed so far as necessary in the particular circumstances.

9.3 The Headteacher, or Chair of LAB/STG in the event of the Headteacher’s suspension, should take a decision on informing other staff in the academy of the suspension. The Headteacher, or Chair of LAB/STG in the event of the Headteacher’s suspension, should consider the extent to which it is necessary to make a statement to parents of pupils in the academy, having considered the need to avoid unwelcome publicity.

9.4 In certain circumstances, it may be necessary for the Headteacher, or Chair of LAB/STG, to provide immediate reassurance to parents and pupils in the academy and there may be a need for information to continue to be provided during the course of an investigation to parents, pupils and other colleagues.

9.5 The Headteacher, or Chair of LAB/STG, should consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. Advice from the Trust's HR Provider should be taken on this matter and those covered under paragraphs 8.3, 8.4 and 8.5 as necessary.

9.6 In all the above the provisions set out under Confidentiality section must be adhered to.

## **10. Support for the member of staff during the period of suspension**

10.1 The suspended member of staff should be given the name of a support officer as a point of contact. The main role of this contact is to provide information as to the progress of the investigation. Social contact with colleagues and friends at the academy should not be precluded except where it is likely to be prejudicial to the gathering and presentation of evidence. It must be recognised that both the academy and the Local Authority have a duty of care to any suspended employee.

10.2 Although it is the aim that all investigations should be conducted as speedily as possible, consistent with establishing the full facts, arrangements should be made for the member of staff, or their representative, to be contacted regularly with information on progress and development on the case. These arrangements should not preclude the member of staff, or their representative, contacting those conducting the investigation at any time.

10.3 A named academy contact should also be nominated and be in a position to provide the member of staff with information about developments at the academy in general, according to the needs and wishes of the member of staff to be kept informed. The employee should be consulted about the selection of the named contact.

10.4 In some cases, it may be appropriate to ask the member of staff whether welfare counselling or the support of an Occupational Health provider would be helpful, or to respond to a request of the member of staff for such further support.

## **11. Support for others concerned**

11.1 Support will be needed for the pupil or pupils making the allegations and their parents. Consideration should be given by the relevant agencies to the form such support should take in the light of the circumstances. Consideration should also be given to what support may be needed for others at the academy, both staff and pupils, according to the circumstances of the alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained via the relevant Local Authority Safeguarding Children's Board.

## 12. Investigations

12.1 There are two possible types of investigation which may occur:

- (i) by the Police or by the Police and the Safeguarding Initial Contact or Assessment Team (joint investigation), under local child protection procedures
- (ii) at academy level under the agreed disciplinary procedures.

12.2 Any investigation under the agreed disciplinary procedures should be clearly separated from child protection investigations. Whilst the disciplinary investigation may be informed by child protection investigations and in some circumstances the child protection agencies might decide to make a recommendation about suspension or other protective action as a result of the strategy discussion/meeting, the child protection process has different objectives from any disciplinary procedure and the two should not be confused. Decisions as to suspensions and/or disciplinary action are for the Headteacher/Chair of LAB/STG.

12.3 Any investigation by the police or child protection agencies will take priority over an internal investigation by the academy or on the academy's behalf. An internal investigation running alongside that of the police or child protection agencies is not likely to be good practice and should be held in abeyance pending the completion of the external investigation.

12.4 Where the police are involved, wherever possible the LADO will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any 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. Safeguarding 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 nominated Officer.

12.5 An investigation at academy level may be undertaken on completion of an investigation by the police/child protection agencies. Alternatively, the investigation may be undertaken after a decision not to refer an allegation under local child protection procedures. Where it is decided not to refer an allegation under local child protection procedures following consultation as described in paragraph 2, a decision on whether there is to be an internal academy level investigation will be required. In either case the investigation will be conducted in accordance with the guidelines at Appendix B of this procedure. Where possible the person undertaking the investigation should aim to provide a report **within 10 working days** of its completion. If further evidence comes to light during the course of the investigation, then it will be considered whether a referral back to the child protection agencies is appropriate.



12.6 The following definitions will be used when determining the outcome of allegation investigations:

- a) **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b) **False:** there is sufficient evidence to disprove the allegation;
- c) **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d) **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- e) **Unfounded:** there is no evidence or proper basis, which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;

### 13. Where no action is taken to suspend

13.1 The Headteacher, or Chair of LAB/STG and CEO, where the Headteacher has been the subject of an allegation, should explain to the member of staff the circumstances, which led to consideration of suspension and further explain any follow-up action which it is proposed to take. The member of staff may be accompanied by a trade union representative or friend. According to the circumstances of the case, appropriate assistance or advice may be offered. It should be established what support, if any, is required and advice where appropriate, should be sought. According to circumstances, appropriate counselling services should be considered.

13.2 If a member of staff has not been suspended but there are nonetheless concerns about aspects of their conduct, a full investigation should be undertaken under the guidelines in Appendix B before making a decision about further action under disciplinary procedures.

### 14. Outcome of Internal Investigation under Disciplinary Procedures

14.1 At the end of the investigation a meeting should be arranged to inform the member of staff of the next steps. They may be accompanied or represented by a union representative or friend.

14.2 If the outcome is to consider the member of staff's conduct at a formal disciplinary interview, then this will be called and conducted in accordance with the academy's disciplinary procedures, and will happen after the child protection enquiries. Where a decision is taken to hold a formal disciplinary interview, this should be held as soon as possible, allowing for the notice requirements of the procedure. The aim should be to hold the interview **within 15 working days** of taking the decision.

- 14.3 If the member of staff has been suspended and it is not intended to proceed with any form of disciplinary interview, the suspension should be lifted immediately by the Governing Body (this may be the Chair of LAB/STG acting under “emergency powers”). The Headteacher, or Chair of LAB/STG where the allegation has been made against the Headteacher, should meet the member of staff to discuss with them how the return to work may best be managed.
- 14.4 Other than in the event of dismissal, the Headteacher or Chair of LAB/STG should provide the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and to help rebuild confidence where necessary. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the Local Authority.
- 14.5 On the conclusion of any investigation and any related disciplinary proceedings, the pupil or pupils who made the allegations and their parents should be informed of the outcome of the proceedings. This should be prior to the member of staff’s return to academy if they have been suspended. In some circumstances, consideration should be given to the broader disclosure of details of the outcome, together with reasons, for example where the issues are of general importance, have become common knowledge or have been the subject of general gossip and there is a need to provide accurate details for public information. The Authority’s Public Relations Unit will be able to offer appropriate advice. In all of the above, the provisions set out under Confidentiality section must be adhered to.
- 14.6 Appropriate counselling and support should be offered to the pupil or pupils who made the allegations and, where appropriate, their parents. This should be by the time the member of staff returns to academy. In particular, this should take into account a pupil’s special needs where a false or malicious allegation has been made.

**15. Where, following the initial consideration, the Headteacher believes that the allegation is without foundation or is demonstrably false, he or she should in conjunction with the Trust and its HR Provider**

- (i) consider whether the pupil might have been abused by someone else and whether a referral should be made to the police, the Safeguarding Initial Contact/Assessment Team or the NSPCC under child protection procedures;
- (ii) agree what information will be shared with the employee and any follow up action;
- (iii) inform the member of staff of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend. This should then be confirmed in writing;

- (iv) consider whether counselling and/or informal professional advice is appropriate and the form either might take;
- (v) inform the parents of the pupil or pupils of the allegation and the outcome;
- (vi) consider appropriate counselling and support for the pupil or pupils who made the allegation(s) and, where appropriate, their parents; in particular, take into account a pupil's special needs where a false or malicious allegation seems to have been made;
- (vii) prepare a record, embodying (i) - (v) above and giving reasons for the conclusion that the allegation is without foundation.

## **16. Records**

- 16.1 A written record of the outcome of the investigation must be made and this documentation will provide a clear and comprehensive summary of the allegation, how the allegation was followed up and resolved and any resulting action taken.
- 16.2 Appendix D includes a separate template for recording summary key information and outcomes for a pupil and an employee. A pupil record chronology is also included. The pupil summary document and chronology must be kept on the pupils file. The employee summary document must be kept on the academy's confidential employee personal file/record.

### **Academies Only:**

- 16.3 All documents relating to an investigation and any disciplinary action must be collated and will be securely held on the employee's personal file in a sealed envelope marked for the Headteachers/Designated Safeguarding Teachers attention only. Where the documents relate to the Headteacher it will be marked for the attention of the Chair of LAB/STG only and a copy to be held securely at the Trust central office.
- 16.4 If the member of staff is dismissed, or resigns before a disciplinary process is completed, the Headteacher should inform the member of staff about the employer's statutory duty to report the case to the Disclosure and Barring Service or to refer to the National College for Teaching & Leadership.
- 16.5 Where a pupil has made an allegation in writing, a copy of the statement or the record made of it should be kept on the section of a pupil's personal file which is not open to disclosure, together with the written record of the outcome of the investigation. If there are criminal or civil proceedings, records may be subject to disclosure and therefore no assurances can be given of confidentiality.

- 16.6 The LADO has a responsibility for the oversight of procedures for dealing with allegations against members of staff in academies, as well as for resolving any inter-agency issues and for liaison with the appropriate Safeguarding Children Board ('SCB'). LA Officers involved in the management or oversight of individual cases will retain such confidential records as necessary for reporting to the LADO.
- 16.7 Details of allegations that are found to have been malicious should be removed from employee personnel records. However, for all other allegations, it is important that the pupil and employee summary of the allegation is clear and comprehensive, details how the allegation was followed up and resolved, and confirms any action taken and decisions reached. A copy of the employee summary should be provided to employee.
- 16.8 If any pupil(s) involved in an allegation leaves the academy, appropriate information must be transferred as part of the pupil(s) file to the new academy. The Headteacher should ensure the information is transferred securely and the new Headteacher is aware that sensitive and confidential information of a safeguarding nature is being transferred. The Headteacher must also ensure that a copy of all the information is securely and confidentially retained for any future investigation purposes. If the Headteacher should leave, they must ensure that prior to leaving the incoming Headteacher is made aware of where confidential safeguarding records are held.

## **17. References**

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

## **18. Learning Lessons**

- 18.1 At the conclusion of a case the Headteacher and/or the LADO should consider the circumstances of the case and whether there are any general matters arising from it which should be brought to the attention of managers within the Trust and its HR Provider and to Academies or of the SCB as perhaps warranting a review of local policy or procedures. Any training needs for teachers or other staff should also be considered as part of such a review. The publication of any such information to managers or the SCB should preserve confidentiality about the member of staff and pupils involved in the investigation.

18.2 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 academy or FE college.

## **Appendices**

The following appendices have been produced in order to support the operation of this procedure.

Appendix A Flow chart of the main stages of the procedure

Appendix B - Guidance on the procedures for investigating allegations prior to consideration of disciplinary action.

Appendix C -Example 'contacts' sheet which can be adapted for a

**Academies use.** It is recommended that an adapted sheet is placed where it can be referred to by all staff.

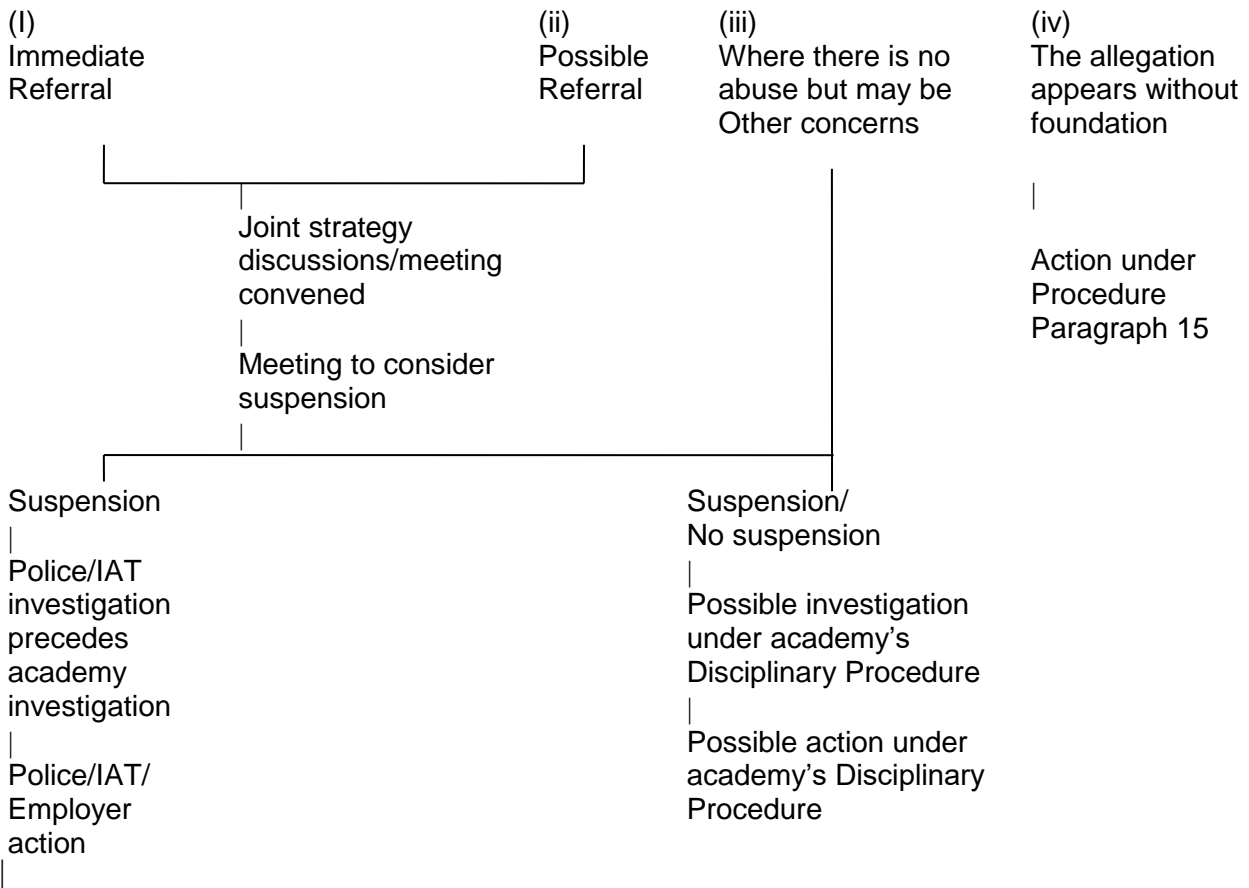
Appendix D Template for recording key information and outcomes and a pupil record chronology.

**Appendix A**

**PROCEDURE WHERE ACADEMY STAFF FACE AN ALLEGATION OF ABUSE**

**SUMMARY OF STAGES**

- Child (or another) reports allegation of abuse to a member of staff
- Member of staff receiving allegation provides a written record consulting with the Designated Safeguarding Lead Teacher and/or Headteacher
- Contact and information sent to DO and/or nominated Officer within 24 hours
- Nominated Officer consults with LADO and/or the Safeguarding Initial Contact Team (ICT) as necessary.
- Outcome of consultation with ICT and CEO informed



## Appendix B

### INVESTIGATIVE PROCEDURES PRIOR TO CONSIDERING DISCIPLINARY ACTION - GUIDANCE

1. The following guidelines relate to the investigation of an allegation or a concern by the academy, or the Local Authority acting on behalf of the academy, prior to consideration of any action under the agreed disciplinary procedure. Where the concern or allegation is subject to investigation by the Police and/or the Initial Contact Team under child protection procedures, then a academy's internal investigation will only be undertaken once the investigation under child protection procedures has been completed.
2. The aim of an investigation is to obtain, as far as possible, relevant evidence and information and to reflect this within a fair and balanced report. The aim is not to prove or disprove an allegation. The investigation is a fact finding exercise and is preliminary to considering the appropriateness of disciplinary action.
3. Undertakings of confidentiality should not be given to either a person making allegations or those interviewed. Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings and those giving evidence in the investigation should be so informed.
4. Where a case has been the subject of an investigation under child protection procedures all relevant information, including copies of statements taken by the Police, should be requested. Provision of this information will enable a judgement to be made on whether pupils or parents who have made allegations should be further interviewed. Where it is considered that the pupil(s) or parent(s) should be further interviewed as part of the internal investigation then their accounts should be recorded in the form of signed and dated statements. Consideration should be given to whether pupils should be interviewed in the presence of a parent.
5. **Preliminary Stages**
  - 5.1 The person undertaking the investigation should seek specialist advice as necessary, for example from the LA, and should familiarise him/herself with any relevant procedures and guidelines.
  - 5.2 The person investigating should:
    - 5.2.1 collate all available information from the relevant agencies where an investigation under child protection procedures has been undertaken
    - 5.2.2 define areas to be investigated
    - 5.2.3. draw up a provisional list of those to be interviewed and a list of topics to be discussed during the investigation
    - 5.2.4 check corroborative evidence
    - 5.2.5 assess the credibility of the person making the allegation.

## **6. The Investigation Process**

- 6.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided.
- 6.2 If, at any stage during the investigation, new evidence emerges which makes a referral necessary under local child protection procedures or to the police, the investigation should be held in abeyance immediately following such a referral. If the member of staff is not at the time suspended, then consideration should also be given as to whether suspension is now appropriate in the light of such circumstances.

## **7. Interviewing the Member of Staff who is the Subject of an Allegation**

- 7.1 The point at which this occurs will depend upon the nature of the allegation and the investigation process. The member of staff will normally be interviewed even where they have already been interviewed as part of a child protection investigation.
- 7.2 The member of staff should be informed of his/her rights under the academy's disciplinary procedure, including the right to have a representative or other person of his/her choice attend the interview.
- 7.3 The member of staff should be informed of the allegation and invited to respond and to make a statement. The member of staff has the right either to respond or decline to respond.
- 7.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. (A copy of the notes will be given to the member of staff.)
- 7.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

## **8. Compiling a Report**

- 8.1 Once all the relevant persons have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report reflecting the aim of the investigation as described in 2 above.
- 8.2 Consideration should again be given as to whether there are matters which have not been considered under child protection procedures and which should be referred. If there is such a referral, further proceedings at academy level should be held in abeyance.



## 9. **Subsequent Action**

- 9.1 On receipt of the report the Headteacher, or Chair of LAB/STG where the Headteacher is the subject of the allegation, will consult with an appropriate LA Officer. A decision will need to be taken at this stage on whether further action should be taken, including the possible consideration of the report at a formal interview conducted under disciplinary proceedings. If a formal disciplinary interview is to be held, reference should be made to the academy's disciplinary procedure.

## Appendix C

### DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF IN SCHOOL/ACADEMIES

All concerns about abuse should be reported to the Designated Safeguarding Lead Teacher with responsibility for child protection matters who is

*(name of Designated Safeguarding Lead Teacher)*

If this is not possible because of absence or because the concerns relate to the Designated Safeguarding Lead Teacher the concerns should be referred to

*(name of member of staff with this delegated responsibility)*

Where a concern or an allegation arises in relation to a member of staff within the academy, contact should be made with one of the following nominated Trust's HR Business Partners:

- |                        |                     |
|------------------------|---------------------|
| <b>1. Paul Jones</b>   | <b>01743 254410</b> |
| <b>2. Louise Smith</b> | <b>01743 254204</b> |
| <b>3. Dawn Coss</b>    | <b>01743 281375</b> |

- Child protection allegations outside the academy are covered by the relevant Local Authority Safeguarding Children's Board.
- Child Protection Procedures are held by the Designated Lead within the academy.
- Procedures where concerns or allegations relate to academy staff are set out in the HR Handbook for Schools which is available to staff in the academy or Shropshire Learning Gateway website.
- The office of the First Point of Contact (FPOC) of the Safeguarding Assessment and Support Services Team which deals with academy issues is located at Mount McKinley, Shrewsbury Business Park, Shrewsbury – Telephone 0345 678 9021.
- If having raised a concern you do not feel appropriate action has been taken you may contact the Council's Standards Hotline: 01743 252627.
- The office of Children's Services Safeguarding Children Board is Herefordshire Council, Plough Lane, Hereford, HR4 0LE, Telephone 01432 260100.
- The office of Worcestershire Safeguarding Children Board Green Gardens, 104-106 Spetchley Road, Worcester, WR5 2NL Telephone 01905 844468

## Appendix D

### Child Welfare and Child Protection

#### Concern Summary Sheet

*For completion by staff or volunteers when they become aware of child welfare concerns, in accordance with Keeping Children Safe in Education and the academy's child protection policy. The Designated Safeguarding Lead will monitor concerns and report where appropriate to Children's Social Care if a child is deemed at risk of significant harm. This information will be disclosed only to those staff who need to know for the purposes of child protection. Concerns should usually be shared with parent/child, unless to do so may place a child/children at increased risk of harm (if in doubt about this, consult with social care). Please write legibly and do not use acronyms. Exact words must be used even if they may offend.*

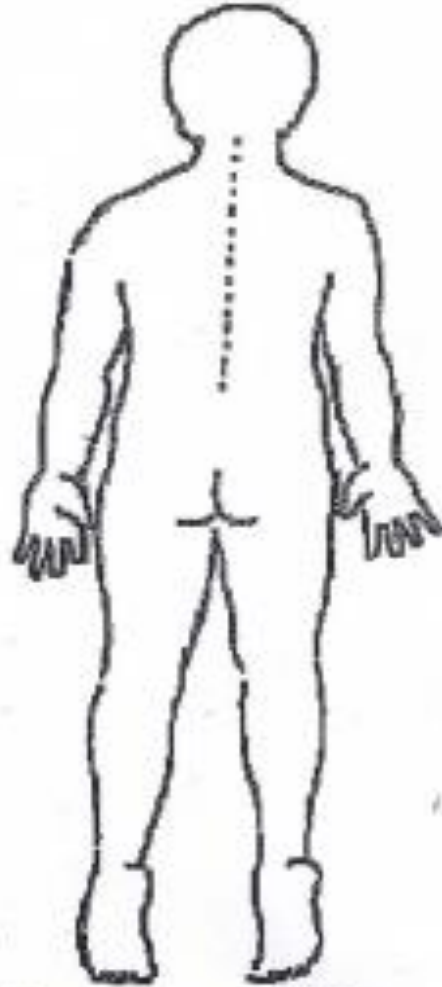
<b>Date of alleged incident</b>		<b>Date/time of disclosure</b>	
<b>Name of child</b>		<b>Class</b>	
<b>Name of person making this record</b>		<b>Role in academy</b>	
<b>Signed as a true record</b>		<b>Date DD/MM/YY</b>	

<b>Nature of concern</b>  <b>Attach additional sheet(s) if necessary</b>  (include observations as well as professional opinions)								
	<b>Body map used</b>	<b>Yes</b>		<b>No</b>				
<b>Any other relevant information (previous concern, other professionals involved/SEN details etc.)</b>								
<b>Current status with social care (please tick &amp; add name where known)</b>	<b>None</b>		<b>Known to social care</b>		<b>Allocated social worker</b>		<b>Child protection plan</b>	

<b>Name of Designated Safeguarding Lead reviewing the concern</b>		<b>Initial Action taken</b>		<b>Date</b>	
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<b>Further action taken</b> <b>Please also record whether concerns were shared with:</b> <ul style="list-style-type: none"> <li>• parents/carers</li> <li>• MASH</li> </ul> <b>and reason(s) why:</b>		<b>Date</b>	
<b>Final outcome</b>		<b>Date</b>	

<b>Body Map</b>			
<b>Date concern noted</b>		<b>Date/time of report</b>	
<b>Name of child</b>		<b>Class</b>	
<b>Name of person making this record (please print)</b>		<b>Role in academy</b>	
<b>Signed as a true record</b>		<b>Date DD/MM/YY</b>	



**SAFEGUARDING OVERVIEW SHEET**

(To be included in the child's CP file when concerns are logged)

Name of child \_\_\_\_\_ DOB: \_\_\_\_\_

Date record created \_\_\_\_\_

Nature of concern:

Other known names \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Other family members:  
(include full name, relationship e.g. mother, stepfather etc. For U18s, include age, if known)

Are any other child protection files held in academy relating to this child or another child closely connected to him/her? YES/NO

If yes, which files are relevant?

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Name and contact number of Social Worker (Children's Social Care) or CAF details:

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Name and contact number of any other agency workers involved:

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Name of lead person responsible for reviewing this record:

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