

Managing Allegations Policy



St. Andrew's
Church of England Primary School

ENRICHING LIVES

Our Vision.....

We believe that every person in our school community should flourish and broaden their horizons. Therefore, it is the element of 'enrichment' that defines our school; we are a church school that endeavours to provide the widest of opportunities for all.

Within our caring and nurturing environment and guided by our shared Christian values, we aim to ensure that all voices in our school family can be heard and all are engaged in learning that develops and challenges them, excites their imagination and provides an opportunity to achieve their full potential.

We see everyone and everything as valued in the eyes of God and recognise that all the members of our family are individuals as we work together towards a society of mutual respect, compassion and justice.

Even the smallest person can change the course of the future."

..... JRR Tolkien

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1. Introduction

1.1 Children can be vulnerable to harm and abuse in many settings including those where staff occupy positions of trust in relation to children. All school staff have a duty to safeguard pupils and create a safe learning environment so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a child.

1.2 As employers, schools also have a duty of care to their staff and must ensure that members of staff against whom an allegation has been made are treated fairly and are provided with effective support.

1.3 It is essential that any allegation of abuse made against a person who works with children and young people, including those who work in a voluntary capacity, is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and supports the person who is the subject of the allegation.

2. What is an allegation?

2.1 An allegation is information or a concern which suggests that an adult working with children and young people 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 if they worked regularly or closely with children. Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

2.2 If anyone sees / hears / reports / suspects something that fits into one of the 3 categories above there is a statutory duty to report this. This policy sets out the procedures to be followed by head teachers and governors when dealing with allegations in respect of a member of staff or volunteer.

3. Legal framework

3.1 All schools must have procedures in place to deal with any allegations made against staff. The framework for managing allegations is set out in DfE statutory guidance [Working Together to Safeguard Children](#) and [Keeping Children Safe in Education](#)

4. Principles

- The welfare of pupils is paramount and all staff members and volunteers have a duty to safeguard and promote pupil's welfare. The pupil's welfare must be considered throughout any investigation and appropriate services provided where needed;
- Allegations should be dealt with fairly and quickly and should be investigated as a priority to avoid delay. The time taken to investigate and resolve individual cases depends on the nature and complexity of each case but it is expected that the majority of cases should generally be resolved within 1 month;
- Information should be shared in a timely way but only for the purposes of safeguarding and promoting the welfare of children;
- All responses should be fair, transparent and balanced and should ensure the safety of children whilst supporting those adults who are the subject of allegations.

5. Responsible person in school

5.1. All members of the senior management team and the designated safeguarding lead with responsibility for child protection have a responsibility to ensure that all staff know about and understand paragraph 3 below.

5.2. In accordance with the DfE Statutory Guidance, all staff should also read at least Part one of Keeping Children Safe in Education, which contains Safeguarding information for all staff and volunteers.

5.3. All members of the senior management team and the designated safeguarding lead have a responsibility to be familiar with the Statutory Guidance in its entirety.

5.4 Every school must have a named person who is responsible for the management of allegations against staff and to whom allegations and concerns should be reported in the first instance. This

will normally be the Head Teacher, or next most senior member of staff, or the Designated Safeguarding Lead (DSL) if these are not available.

5.5 If the allegation is regarding the Head Teacher then the Chair of Governors will need to be informed. The school uses an external HR provider who will also be notified.

6. Designated Officer (LADO)

6.1 All Local Authority areas have to have a named LADO who is responsible for the management and oversight of individual cases. The DO provides advice and guidance to all of the agencies and services, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process.

6.2 In Lincolnshire, the LADO are:

Rachael Powis, Kim Murray & Ildiko Kiss

A referral to the LADO can be made online via the online referral form found at: [Lincolnshire Safeguarding Children Partnership – Report a concern about a staff member or volunteer - Lincolnshire County Council](#)

If you are uncertain whether a referral is required, you are able to access advice by calling: **01522 554674**. They can also be contacted by email: LSCP_LADO@lincolnshire.gov.uk

7. Procedures

7.1 Allegations may arise following a complaint from a parent or pupil or through concerns raised by other staff members. Anyone dealing with allegations must report all concerns to the responsible person within the school immediately.

7.2 If an allegation is received staff should not investigate or ask leading questions if seeking clarification. They should not make assumptions or offer alternative explanations. Pupils should not be promised confidentiality. Information, however, must be shared with the responsible person in

the school. A written note of the details of the allegation, including time, date, place, nature of the concern and any persons present must be agreed with the responsible person.

7.3 Procedures need to be applied with common sense and judgement. Some cases may not require either a police investigation, referral to the LADO or further enquiries by the local authority children's services. In such situations, we will resolve the matter as quickly as possible whilst maintaining necessary rigour. Where more appropriate, we may use our school's complaints or disciplinary procedures as alternate courses of action.

7.4 As employers, we have a duty of care to our employees. We provide effective support for anyone facing an allegation and provide our staff member with a named contact if they are suspended. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that it is likely to be prejudicial to the gathering and presentation of evidence.

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

7.6 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

7.7 The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time.

7.8 However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see paragraphs 250-256 for information about suspension).

7.9 If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour as identified in the school's Behaviour Policy and Positive Handling Policy.

7.10 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the case manager. In those circumstances, the options open to the school or college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

7.11 In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

7.12 However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

8. Initial considerations

8.1 Initial discussions between the school and the LADO should look at all the available information about the incident or allegation, the staff member and the child involved (including details of any previous allegations made) and decide if the allegation is serious enough to be dealt with under this policy.

8.2 As an outcome of the discussion, the school and the LADO should agree what action to take under this policy, which may be one or more of the following:

- No further action;
- To hold an Allegation Against Professional Meeting (AAP);
- Referral to Children and Families Services for assessment and possible child protection investigation;
- Referral to the police for a criminal investigation

8.3 If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be convened.

8.4 The LADO and school representative should also consider:

- If any further information is needed to assist the investigation;
- Whether any immediate action needs to be taken to protect pupils;
- When parents should be notified of the allegation (although in some cases this will be unavoidable, for example if the child requires medical treatment);
- How the child and their parents will be supported during the process;

- When the staff member should be notified of the allegation;
- Whether the member of staff should be suspended pending investigation (LADO would not be a decider as this is an HR matter);
- Whether any regulatory body needs to be informed of the allegation. Ofsted should be informed if the allegation is made against a member of staff in the Early Years Provision.

8.5 The member of staff should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where a criminal or child protection investigation is possible, the LADO should seek the advice of the police and children's social care regarding what information can be shared.

8.6 A written note of discussions and decisions should be agreed and the reasons for taking any particular course of action noted. This is particularly important in cases where no further action will be taken.

9. Allegations against Staff and Volunteers (ASV) meeting

9.1 If a decision is made for an ASV meeting to be convened the LADO will refer to the First Access and Screening Team Manager for the case to be allocated to a Social Worker (or to the allocated Social Worker if the child's case is already allocated within Children and Families Services).

9.2 The Allegations against Staff and Volunteers meeting has the following components:

1. Decide whether there should be a s47 enquiry and / or police investigation;
2. Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
3. Consider the current allegation in the context of any previous allegations or concerns;
4. Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children

(e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>);

1. Consider whether a complex abuse investigation is applicable

2. Plan enquiries if needed, allocate tasks and set timescales;
3. Decide what information can be shared, with whom and when.

9.3 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.

9.4 The meeting will decide whether or not the pupil has or is likely to suffer harm and whether to instigate a child protection and/or criminal investigation. The meeting will also set out a plan for conducting enquiries and how this may affect any disciplinary action that the school may be planning.

9.5 The meeting will decide what immediate action needs to be taken to ensure child safety during the course of investigations; this may include making a recommendation on suspending the member of staff however, this is a school decision and it is advisable seeking HR guidance and should be based on a clear risk assessment and be in accordance with the school's own policies on staff conduct.

10. Confidentiality and information sharing

10.1 It is extremely important that when an allegation is made, the school or college make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions, in response to a request to do so. The provisions commenced on 1 October 2012.

10.2 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.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

10.3 In accordance with the professional practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.)

10.4 The case manager should take advice from the designated officer(s), police and children’s social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

10.5 If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS *must* be made, if the criteria are met - see paragraphs 179-180.** Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate - see paragraph 182. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

10.6 It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

10.7 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

11. Support for those involved

11.1 Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

11.2 The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and

friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

11.3 Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.

11.4 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraphs 233-234). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

11.5 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

12. Disciplinary proceedings

12.1 Whilst it is the school's decision whether or not to follow any disciplinary proceedings, the school will discuss any potential disciplinary proceedings with its HR advisor, taking into account information raised by child protection enquiries, criminal proceedings or the outcome of any trial. This discussion should also look at whether a referral should be made to the [Disclosure and Barring Service](#).

12.2 If the staff member concerned is an agency worker or volunteer where disciplinary proceedings are not possible, this matter should be immediately reported to the relevant agency, and the school and the LADO should work with the employer or individual to resolve the matter.

13. Allegations involving physical contact

13.1 Head teachers and governors will be aware that for some teachers, for example music and PE teachers, physical contact with a pupil is unavoidable and necessary in order to teach the subject. Also, teachers can use reasonable force in order to control or restrain a pupil in specific circumstances.

13.2 These factors must be taken into account throughout the process. In particular, it must be demonstrated that any contact that has taken place is within the boundaries set out by local safe working practices and agreed procedures for the use of physical restraint known as 'Positive Handling'.

13.3 All schools must have a Code of Conduct for staff and it is important that staff are given clear guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

14. Suspension

14.1 Suspension should not be an automatic outcome of any allegation but used only where there is no alternative and this will be dependent upon the nature of the allegation. Schools should be mindful that suspension will normally only be justified where there is a risk of significant harm to pupils, a police investigation is likely to be carried out, or the allegation is so serious it would normally warrant immediate dismissal if proved true. Even in these cases, schools should consider other ways of managing risk, such as arranging for the member of staff to have limited contact with pupils or ensuring they are constantly supervised. Possible courses of action may be:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;

- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

14.2 Decisions on suspension should be discussed with the school's HR Advisor and a view can be sought from the LADO but the final decision will rest with the school. All decisions on suspension should be reviewed as new information becomes available during investigation.

14.3 If suspension is agreed, the member of staff must be given written confirmation of the decision detailing the reasons and giving the name of the person at the school whom the member of staff can contact for support and information. Any member of staff who has been suspended should also be advised at this stage to make contact with their Trade Union / Professional Association.

15. Resignation

15.1 Full investigations into allegations must continue even if the person involved resigns as it is important that a resolution or conclusion is reached. It is important to decide whether allegations are substantiated and what further action may have to be taken to safeguard children through referral to the Disclosure and Barring Service.

15.2 Schools must not use compromise agreements that allow a person to resign with a reference in return for not initiating disciplinary proceedings in cases where allegations of abuse of children are involved.

16. Unfounded or malicious allegations

16.1 If an allegation is proved to be unfounded or malicious, the LADO may decide to refer the child to Children and Families' Services for assessment as a child in need.

16.2 Malicious allegations made by pupils may also be dealt with under the school's behaviour policies if this is more appropriate.

16.3 Under certain circumstances, the police may be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil or student.

17. Referral to the Disclosure and Barring Service (DBS)

17.1 There is a legal duty on employers to refer any individual to the DBS if it is thought that they pose a risk to children or have harmed a child. The DBS will then make a decision as to whether or not to bar the person from working with children in a regulated activity such as teaching.

17.2 As cases move towards conclusion and all information is available, the school and the LADO should discuss whether a referral needs to be made to the DBS. A referral must be made if the allegation is substantiated and the person has been dismissed from their post or has resigned prior to being dismissed.

18. Records and references

18.1 All allegations made must be recorded on the individual's confidential personnel file, giving details of the nature of the allegation, actions taken and decisions reached. The exception to this is if any allegation that is proved to be malicious; all references to these allegations should be removed from the personnel record.

18.2 The purpose of the record is to enable accurate information to be given in response to any future request for a reference and it will provide clarification in cases where future DBS disclosures reveal information about an allegation that did not result in a criminal conviction. Information should be kept on the personnel file until the person reaches normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

18.3 Allegations that have been unsubstantiated, unfounded or malicious should not be included in a reference.

19. Monitoring and oversight of cases

19.1 The LADO will review all cases involving allegations against staff members and volunteers on a regular basis to ensure that cases are dealt with efficiently and within prescribed timescales.

19.2 The responsible police officer in the Child Abuse Investigation Team (CAIT) will review all cases in criminal proceedings that involve allegations against staff members and will pass on information to the school and the LADO regarding progress of investigations and prosecutions.

19.3 Once cases have been resolved, schools should review the events in order to identify any issues and decide whether school procedures or practices need to be updated or improved so that similar incidents can be prevented or responses improved in the future.