

Children, Schools and Families

Guidance for schools on dealing with allegations against staff members



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1 Purpose and scope of policy

Children can be vulnerable to harm and abuse in many settings outside of the home, including schools, where staff will occupy positions of trust in relation to children. Schools 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 pupil.

This policy sets out the procedures to be followed by head teachers and governors when dealing with allegations that a member of staff or volunteer 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 they are unsuitable to work with children.

The policy applies to all school governors, head teachers and staff members within the school, including permanent and temporary staff and volunteers.

As well as covering the four categories of harm and abuse, allegations involving inappropriate relationships with pupils, grooming behaviour on-line, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003 should also be dealt with under this policy.

2 Legal framework

As part of the duty under the Education Act 2002 to safeguard and promote the welfare of pupils, all schools must have procedures in place to deal adequately with any allegations made against staff. Policies must comply with the guidance set out in *Working together to safeguard children* and the statutory guidance "Dealing with allegations of abuse against teachers and other staff".

<https://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.pdf> (Working together)

<http://media.education.gov.uk/assets/files/pdf/d/dealing%20with%20allegations%20of%20abuse%20august%202011.pdf> (allegations)

Camden follows the London Safeguarding Children Board child protection procedures for dealing with allegations against staff (section 15) and schools should be aware of their role under these procedures.

[London Safeguarding Children Board](#)

Dealing with allegations

As employers, schools must also ensure that members of staff against whom an allegation has been made are treated fairly and that they are kept informed of the progress of any investigation or disciplinary process. If the member of staff has been suspended pending investigation, there should be a named member of staff responsible for keeping them informed of developments.

3 Principles

- The welfare of pupils is paramount; all staff members and volunteers have a duty to take any necessary action to safeguard and promote pupil's welfare.
- The pupil's welfare must be taken into account throughout the duration of any investigation and appropriate services provided where needed.
- Allegations should be dealt with fairly and quickly and generally resolved within 1-3 months. Only in exceptional circumstances, for example where criminal proceedings are taking place, should allegations take more than 12 months to resolve.
- Allegations should be dealt with by the most efficient method and at an appropriate level, involving agencies such as the police and FSSW only where there is a clear need.
- Parents, pupils and staff should be made aware of this policy so that everyone is clear about how concerns can be raised and what actions are likely to happen when an allegation is made. Pupils should be taught how to protect themselves and who they should approach for help.
- Information should be shared in a timely way but only for the purposes of safeguarding and promoting the welfare of children.
- Those staff members wishing to raise concerns anonymously will be supported through Camden's whistle-blowing procedures.
- 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.

4 Roles

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, a designated governor or the designated teacher.

Dealing with allegations

Schools should also appoint a deputy to deal with allegations in the named person's absence or in the event that the named person has an allegation made against them.

Camden's Child Protection Co-ordinator is the Local Authority Designated Officer (LADO) whose role is to oversee the management of all cases involving allegations against staff.

This will include providing advice to schools on individual cases, liaising with Family Services and Social Work (FSSW) and the Police Child Abuse Investigation Team (CAIT) where required and monitoring and reviewing the progress of cases.

Camden's LADO is: **Bodil Mlynarska**
Quality Assurance Unit
Family Services and Social Work
Crowndale Centre
218 Eversholt Street
London NW1 1BD
Tel: 020 7974 6999
Fax: 020 7974 6702

Camden Borough Police CAIT will appoint a responsible officer to oversee police responses for managing allegations, liaising with the LADO on individual cases and ensuring police attendance at meetings and monitoring and reviewing the progress of cases.

Camden Borough Police senior officer is: **DI Anthony McKeown**
Police Child Abuse Investigation Team (CAIT)
Holborn Police Station
10 Lambs Conduit Street
London WC1N 3NR
Tel: 020 8733 6494

5 Procedures

5.1 Notification

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

A written note of the details of the allegation, including times, dates, locations and the nature of the concern must be agreed with the responsible person. Staff should be aware of the general rule that allegations must not be investigated and pupils should not be promised confidentiality.

Dealing with allegations

The responsible person must notify the Camden LADO within 1 working day of all allegations made against members of staff. This is to allow the LADO to make a judgement as to what response is needed to ensure pupil safety.

However, it is recognised that in some emergency situations, schools may have to take immediate action to protect pupils, but where possible this should be done following discussions with the LADO.

5.2 Initial consideration

Following notification, initial discussions between the school representative 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 likely to be true and is serious enough to be dealt with under this policy.

Some cases may not involve harm to pupils and will not require a response from either the police or FSSW; in these cases, no further action should be taken under this policy and schools will normally deal with the matter under local school policy.

As an outcome of the discussion, the school representative and the LADO should agree what action to take, which may be:

- referral to the police for a criminal investigation
- referral to FSSW for assessment and possible child protection investigation
- initiation of disciplinary proceedings against the member of staff.

The LADO will liaise with the police and FSSW to ensure appropriate referrals are made and that all relevant information is passed on. The LADO and responsible person should also consider:

- if any further information is needed to assist the investigation
- whether any immediate action needs to be taken to protect pupils
- whether parents should be notified of the allegations (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
- whether the member of staff should be suspended pending investigation
- whether any regulatory body such as Ofsted needs to be informed of the allegation.

The members of staff should be informed of the allegation and given as much information as possible, unless there are good reasons for not doing so. In cases where a criminal or child protection investigation is possible, the LADO should seek the advice of the police and FSSW regarding what information can be shared.

Dealing with allegations

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.

5.3 Strategy meeting

If the LADO believes that the pupil has suffered or is at risk of suffering significant harm, a referral will be made to FSSW and a strategy meeting convened, which will be chaired by a Child Protection Officer or the LADO and will involve the responsible person from the school, a representative from the police CAIT and any other relevant person or agency, for example a representative from the employment agency supplying a temporary staff member.

The strategy meeting will decide whether or not the pupil has or is likely to suffer significant harm and whether to instigate a child protection and/or criminal investigation which may be jointly conducted between the police and FSSW. 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.

The strategy meeting may look at what immediate action needs to be taken to ensure pupil safety during the course of investigations; this may include making a recommendation on suspending the member of staff but it is a school decision as to whether or not to act on this recommendation and this should be based on a clear risk assessment and be in accordance with the school's own policies on staff conduct.

Practical arrangements to ensure the member of staff has no contact with the child involved may be agreed with the school. However, in cases where there are serious allegations and clear evidence of abuse, the police and FSSW may take alternative action if schools do not follow a recommendation to suspend a staff member.

If there is not enough information available at the first strategy meeting to make an informed decision on what action to take, the chair may decide to convene a review strategy meeting.

5.4 Police action and criminal proceedings

The police CAIT should keep the school and the LADO informed of all progress in investigations and proceedings, including any decision to charge or the outcome of trials. These should be discussed with the LADO to decide on any action needed by the school in relation to disciplinary proceedings or decisions on continued employment.

5.5 Disciplinary proceedings

Decisions to follow disciplinary proceedings lies with the school but must be considered in all cases where a criminal or child protection investigation has not been considered necessary or on completion of any criminal proceedings.

Dealing with allegations

The school representative should discuss any disciplinary proceedings with the LADO and look at what options are available to deal with the matter.

If a further investigation is required, Children, Schools and Families will be able to advise schools on how to undertake the investigation and may be able to provide a suitable council officer to carry out the task if necessary.

The school representative should discuss any disciplinary proceedings with the LADO taking into account any 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 Independent Safeguarding Authority.

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

If formal disciplinary action will not be required, the head teacher should take any appropriate action within 3 working days. Full disciplinary hearings should be held within 15 working days if no further investigation is needed.

If a disciplinary investigation uncovers evidence of significant harm to a child, a referral must be made to FSSW and the disciplinary proceedings held until the outcome of any child protection investigation.

5.6 Referral to the Disclosure and Barring Service (DBS)

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.

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 proved and the person has been removed from their post or has resigned prior to being removed.

5.7 Monitoring and oversight of cases

The LADO will review all cases involving allegations against staff members on a fortnightly basis where the case is complex or on a monthly basis for more straightforward cases. This is to ensure that cases are dealt with efficiently and within prescribed timescales.

The responsible police officer in 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. Cases must be reviewed within 4 weeks of any decision to refer the matter to the police and then at fortnightly intervals.

Dealing with allegations

Once cases have been resolved, schools may wish to 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.

6 Practice issues

6.1 Allegations involving physical contact

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. Further, teachers can use reasonable force in order to control or restrain a pupil in specific circumstances.

These factors must be taken into account at all stages of the process, from initial consideration and strategy discussion. 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.

It is important that staff are given guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

6.2 Suspension

One of the key principles of government policy is that suspension should not be an automatic outcome of any allegation but used only where there is no alternative.

Schools should consider the effect of suspension on the member of staff and 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 first 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.

Decisions on suspension should be based on a robust risk assessment and discussed with the LADO in the first instance. FSSW and the police will be able to advise schools on possible courses of action to safeguard pupils and may make a recommendation on suspension but the final decision will rest with the school. All decisions on suspension should continue to be reviewed as new information becomes available during investigation.

Dealing with allegations

If suspension is to be used, the member of staff must be given written confirmation of the decision within 1 working day detailing the reasons and giving the name of the person at the school whom the member of staff can contact for support and information.

6.3 Resignations

Full investigations into allegations must proceed even if the person involved resigns as it is important that the matter is properly dealt with and 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.

Schools should 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. As stated above, it is crucial that all allegations are fully investigated.

6.4 Unfounded or malicious allegations

If an allegation is proved to be unfounded or malicious, the LADO may decide to refer the child to FSSW for assessment as a child in need. Malicious allegations made by pupils may also be dealt with under the school's behaviour policies if this is more appropriate.

6.5 Records and references

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

It is important that records show clearly how a resolution to the allegation was reached and that this information is available when references are being written or information sought from future employers. Information should be kept on the personnel file until the person reaches retirement age or for 10 years from the date of the allegation if that is longer.

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

6.6 Confidentiality and information sharing

It is essential that confidentiality is maintained whilst any investigation is on-going and the Police will not make public any details of criminal investigations unless the person involved is charged.

Dealing with allegations

At the initial discussion, the school representative and the LADO may wish to discuss what information will be shared with whom and what action will be taken to manage any possible breaches of confidentiality or press interest.

In general, information may be shared at the initial discussion and strategy meetings in order to gather as much information as possible to make an informed judgement on what action to take.

Consent must be obtained to share information with third parties, for example police statements or child protection investigations being passed on to schools for the purposes of disciplinary proceedings.

7 Support for those involved

7.1 Staff

Schools have a duty to support staff members who are being investigated following an allegation in order to minimise stress. Staff should be informed as soon as possible about any allegation made and given all information available, subject to advice from the police and FSSW.

Staff should have a named person available to provide support and information, particularly if they have been suspended, and should be given advice on obtaining legal representation and counselling if needed. They should also be told about the process of any investigation and kept informed of the outcomes and progress of these.

Government guidance states that schools should not insist that suspended staff members of staff have no contact with other staff unless there is good reason to believe such contact may interfere with investigations. This is a matter that schools may wish to discuss with the LADO and the Police CAIT.

Schools should also consider the support needs of any member of staff returning to work following suspension once the investigation has been completed.

7.2 Children and parents

The parents of the child should be notified of allegations and given all information available as soon as possible subject to advice from the police and FSSW, as well as kept informed of progress and outcomes of investigations. If the child has suffered significant harm or is in need, a referral will be made to FSSW who will assess the child and provide appropriate services and support.