

## Managing Allegations against staff

Allegations and complaints against staff can be minimised by having:

- Safer Recruitment strategies in place
- Appropriate induction and training
- Open and transparent safeguarding ethos
- Professional code of conduct
- Regular briefing and discussion of safeguarding issues
- Ensuring that children are aware of safeguarding issues through the curriculum, eg. PSHE

An allegation is any information which indicates that a member of staff/volunteer may have:

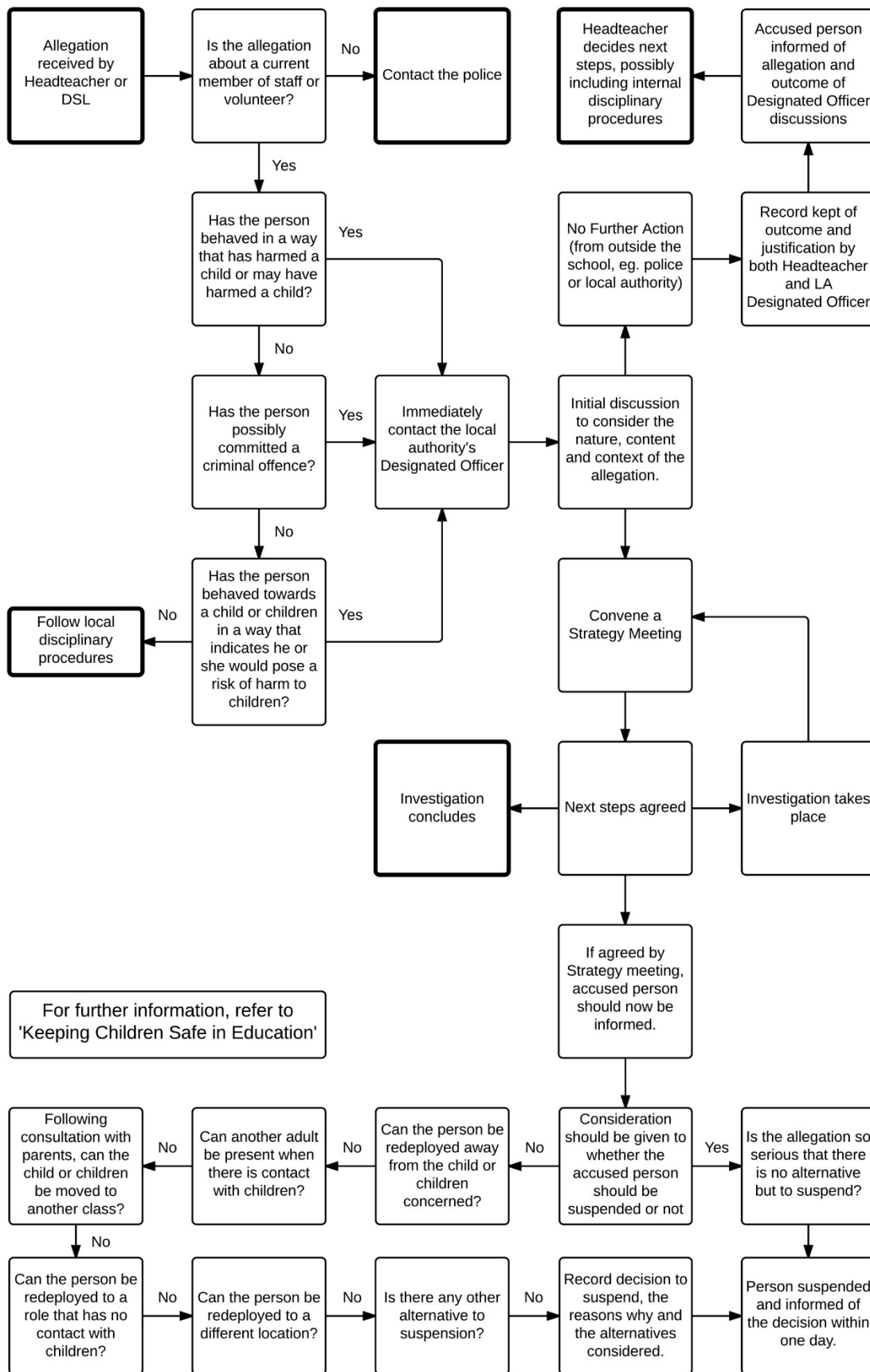
- behaved in a way that has harmed a child or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in such a way that indicates he or she would pose a risk if harm if they worked regularly or closely with a child.

This applies to any child the member of staff/volunteer has contact with in their personal, professional or community life.

When an allegation is received:

- Take the matter seriously and keep an open mind.
- Do not investigate
- Do not promise confidentiality to the informant
- Make a written record of the allegation using the informant's words (including time, date and place where the alleged incident took place, what was said and anyone else present; sign and date)
- If the concerns are about the Headteacher, then the Chair of Governors or the Vice Chair should be contacted, in the absence of the Chair.
- The Designated Safeguarding Officer or Headteacher must immediately contact the local authority Designated Officer(s) (DO)
- Decisions must not be made without a discussion with the DO
- Make a written record of discussions with DO and others
- Make sure DO has full details of the person against whom a concern has been raised and the person who is the subject of the concern

**Flowchart for the initial management of allegations about staff or volunteers**



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## **Dealing With Allegations of Abuse against Teachers and Other Staff See 'Keeping Children Safe in Education (2016)' Part 4**

**NB** *The summary below gives an overview of the processes involved in dealing with allegations. Managers in such situations must consult LSCB procedures and the latest DfE guidance in 'Keeping Children Safe in Education (2016)' Part 4.*

All schools must have a policy for dealing with allegations against staff. The DfE Guidance on managing such allegations is statutory and must, therefore, be taken into account, as should any local procedures. The DfE guidance covers all staff working with children and young people, either paid or voluntary, permanent staff or temporary. The policy must include contact details for the local authority Designated Officer(s) (LADO).

All staff should be aware of who they should take their concern to.

Safeguarding or child protection allegations about members of staff must be reported immediately to the headteacher.

Allegations against the headteacher should be taken to the Chair of Governors.

These concerns must be discussed immediately with the LADO.

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended

### **Key issues to note:**

- Priority should be given to resolving the matter as soon as possible (usually within one month)
- Staff should not be automatically suspended
- Allegations found to be unfounded or malicious should be removed from personnel records
- Pupils making malicious allegations should face appropriate sanctions

To be considered under these guidelines, the allegation must meet the following criteria.

The person must have:

- 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 such a way that indicates he or she would pose a risk if harm if they worked regularly or closely with a child.

Cases which do not meet the above criteria should be dealt with using 'local arrangements.

### **Initial Considerations**

Where the concern meets the criteria, the designated person should immediately contact the local authority Designated Officer(s) (LADO). The DO is responsible for the oversight of allegations against adults working in the local authority, liaising with a range of agencies and ensuring such matters are dealt with consistently and in a timely fashion.

The initial discussion with the LADO will consider the nature of allegation and the course of action.

### **Actions to be agreed:**

- What further information is required?
- Whether any immediate action needs to be taken to protect pupils
- When and what should the parents be told
- What should be said to the adult facing the allegation?
- Whether suspending the member of staff is required
- Suspension should not be an automatic response
- Suspension should only be considered where:
  - children are at risk of serious harm
  - where the concern is so serious that it would result in immediate dismissal
  - The reason for suspension must be communicated to the person in writing within one day.
  - Alternatives to suspension might include alternative work, the deployment of another adult to work alongside the accused person, moving the children or reallocating the classes involved.

**Possible outcomes of the initial discussion:**

- Strategy Meeting (sometimes called a 'Management Planning Meeting')
  - normally held within three days
- Referral to Social Care
- Referral to Police for investigation
- No further action (NFA)

In the case of NFA, the school should then decide how to proceed further, which may include internal disciplinary action. Informal action should be resolved within in a timely fashion. Most cases should be concluded with one month.

Any school investigation should be undertaken by a senior member of staff, HR professional or occasionally an independent person.

After consulting the LADO, the accused person should be told about the allegation. The amount of detail should be agreed with the LADO and will range from the minimum (where a Strategy Meeting is to be held) to the greatest amount of detail following an 'NFA' decision. The person should be told about the likely courses of action. They should be advised to contact their professional association. The school should appoint a named person to offer support to the affected person.

It is important that confidentiality is maintained. It is helpful to consider how to manage speculation, leaks and gossip. No information should be offered to the media nor should any details be published that would identify any person under investigation, unless or until the person has been charged with an offence.

## Outcome of Allegations

The outcome of allegation investigations should be identified as one of the following:

Outcome Type	Definition	Action after investigation	Recording
<b>Substantiated</b>	There is sufficient evidence to prove the allegation.	Discussion with HR and/or other professionals, about referral to DBS and/or NCTL for Disciplinary Hearing	There should be a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept in the confidential personnel file of the accused, and a copy provided to the person concerned
<b>False</b>	There is sufficient evidence to disprove the allegation.	Where the allegation is found to be false, unsubstantiated, or malicious, the information should not be included in any reference.	
<b>Unsubstantiated</b>	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.		The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
<b>Malicious</b>	There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.		Details of allegations that are found to have been malicious should be removed from personnel records.

In addition, there is a further outcome type (unfounded) which schools may wish to use, after liaison with their HR/legal advisors.

**\*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;