



Managing allegations against a member of staff procedure

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Next Review: June 2024

Principal	Shereka James
Designated Safeguarding Lead:	Ben Howe
Deputy Safeguarding Leads	Clare De Jode Cathy Carroll Larmarr White Faiza Asif
Link Governor for Safeguarding	Paul Merchant
Review Cycle:	Annual
Governing Body Ratification	June 2023
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Review Date	June 2024
Legal Framework	Children Act 1989 (as amended 2004 Section 52) Education Act 2002 s175/s157 The Teachers Standards' 2012 Education (Independent School Standards) Regulations 2014
Department of Education and Local Advice and Guidance	Keeping Children Safe In Education 2023

1. Introduction

This document provides the steps to take where there is an allegation of harming or posing a risk of harm against a member of staff in relation to an Academy student. The process described in this document is intended for use with both teaching and support staff. In this procedure, the term “parents” means all those having parental responsibility for a child.

This policy relates to all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age 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 to children.

The Academy recognises that any allegation is serious and needs to be dealt with in a sensitive, efficient manner. It is also important that those with responsibilities described in this procedure act without delay.

As a local school, Skinners' Academy works in accordance with suggested guidance from Hackney Learning trust and its Local Area Designated Officer (LADO)ⁱ

This information can be found both within the appendix of this document and online:
<https://chscp.org.uk/allegations-against-professionals/>

All parties involved are likely to be distressed. Any disruption to the normal running of the Academy should be minimised.

Designated Safeguarding Lead

Ben Howe is designated by the Principal as Designated Safeguarding Lead.

There are four deputy DSLs – Clare De Jode, Cathy Carroll, Larmarr White and Faiza Asif

2. Receiving an Allegation

If staff have a safeguarding concern or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) harming or posing a risk of harm to children, then:

- this should be referred to the principal
- where there is a concern/allegation about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school

The Principal may delegate reported concerns or allegations to the DSL.

The DSL must make a written record (timed and dated) of what has been reported. If possible, the allegation should be written by the student or the person to whom the allegation was first made.

Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.

If the allegation has been made to DSL they must not discuss the allegation with the accused person prior to reporting the matter to the Principal.

In the event of the allegation being made against the Principal, the Chair of Governors will undertake the role assigned to the Principal throughout this procedure.

3. Support

The employee: Skinners' Academy has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Principal has spoken to the Chair of Governors.

The governor responsible for safeguarding,, will also be informed by the Principal or Chair of Governors. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The Chair of Governors or a named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues.

If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the school should consider what might be appropriate to best accommodate this.

If it is a criminal investigation and the police are involved, they may provide this additional support.

4. Principal's initial consideration of an allegation

The Principal, in consultation with the DSL will decide whether any enquiries are necessary to determine if the matter meets the harm threshold.

In this regard, there are two levels of allegation/concern:

1. *Allegations that may meet the harm threshold.*
2. *Allegations/concerns that **do not meet** the harm threshold – referred to for the purposes of this guidance as 'low-level concerns'*

Allegations that may meet the harm threshold:

Keeping Children Safe In Education guidance must be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

If an allegation is deemed to meet the harm threshold, the Principal and the DSL will consider what information needs to be gathered and how it is to be obtained. Staff or students must not be interviewed until this has been considered. Third parties within the Academy may be asked, but not required, to write an account of their direct experience in relation to the allegation.

Where the Principal considers that a referral might be warranted under safeguarding Procedures, she will refer the matter accordingly without delay. Any alleged physical injuries must be investigated by the appropriate external agencies.

The Principal may seek advice from appropriate agencies. These agencies include: Social Services, the Department for Education and the Police.

At this initial stage, the Principal, in consultation with any external agencies, will decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.

If the Principal decides to refer an allegation to Social Services and/or the Police, any internal Academy enquiries should be held in abeyance until Social Services/Police have indicated that they have no further involvement.

The following definitions should 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. **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;
- e. **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.

Concerns and or allegations that do not meet the harm threshold

KCSIE states that schools 'should have policies and processes to deal with any concerns (including allegations) which do not meet the harm threshold, referred to in this guidance as 'low-level'

concerns. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children'.

The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO. Examples of such behaviour could include, but are not limited to:
- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating pupils.

Any low-level concerns or allegations raised will be managed in the same manner as concerns or allegations outlined above. The Principal will seek guidance from the LADO. Once a concern has been deemed by the Principal to be low level or not to meet the harm threshold an internal procedure will follow.

This will include:

- Meeting and raising the concern with the relevant staff member
- Sharing concerns and expectations

A record of these low level concerns will be tracked in a concerns log by the DSL.

5. Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- ensure a fair and thorough investigation for all parties

To enable this to happen all staff, parents, and children should be aware of the procedures set out in this policy

6. Confidentiality

The Academy will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

7. If an external referral is decided

The Principal or DSL will contact the LADO (Local Authority Duty Officer) at the Education offices to report the allegation.

The Principal or DSL will discuss with the LADO what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.

The Principal will inform the Chair of Governors that an allegation relating to a member of staff has been referred. The Principal will not describe the circumstances of the allegation to the Chair of Governors at this stage.

The Principal will prepare a standard response to queries by Academy parents and the media. The response will indicate that:

- i) The matter is governed by procedures which the Principal is obliged to follow.
- ii) The matter is in the hands of the appropriate agencies and no further comment can be made.
- iii) No names can be given for public use.

When inter-agency discussions take place, it is essential that the Principal or a substitute attends.

When the appropriate agencies have completed their procedures, the Principal may decide that an internal investigation should be carried out to establish whether or not the Academy's Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Academy will follow the Academy's Disciplinary Procedure. Interviews with children will be kept to a minimum.

If an external referral is not made

An external referral would not normally be made when the Principal is satisfied that children are not at risk of significant harm or that a reportable criminal offence has not been committed.

An internal investigation will be carried out to establish the circumstances. If the Principal decides that disciplinary action may be appropriate, the Academy's Disciplinary Procedure will be invoked. Any disciplinary investigation conducted by the Academy must follow the Academy's Disciplinary Procedure. Interviews with children will be kept to a minimum.

8. Suspension of Staff

Suspension will not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. Suspension is not a disciplinary action.

The decision on suspension is for the Principal to take. Where external agencies are involved, any decision on suspension will be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.

Staff who are suspended will be advised that **Ben Howe**, DSL is their point of contact in the Academy. Staff who are suspended will also be advised to contact their teacher association, trade union or other professional body.

9. Role of the Governing Body

Members of the Governing Body will not normally become involved in child protection inquiries involving members of staff unless the Governor is subsequently requested to participate under the Academy's Disciplinary Procedure.

10. Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer 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. Children's social care 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 employer without delay.

11. Record keeping

The DSL is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author and the person who made the aural statement. The DSL should also ensure that a record is maintained of the process followed in handling the allegation. The Principal will verify the accuracy of that record. These records must be stored securely.

12. Monitoring, Evaluation and Review

The Governing Body will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and published throughout the Academy.

13. Suspensions

The Principal or Chair of Governors will contact their Human Resources Consultant to discuss the issue.

The Academy will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but the arrangements ensure that the pupil making the allegation and the person against whom the allegation is made have no further contact while the investigation takes place.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Principal and Chair of Governors holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary.

Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

14. Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation.

15. Specific actions

Following a criminal investigation or a prosecution.

The police should inform the Principal/Chair of Governors and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances, the designated officer(s) should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

16. On conclusion of a case

If the allegation is substantiated and the person is dismissed or the Academy ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the Academy will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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 school or college.

In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the designated officers(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the principal or chair of governors should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

17. Learning lessons

At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the Academy's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The designated officers(s) and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

Appendix 1: Table of substantive policy changes from September 2022

Where	What
Summary	
<u>Page 2</u>	Updated review dates Key staff update KCSIE date updated
<u>Page 3</u>	Added DDSLs Larmarr White and Faiza Asif Inserted 'harming or posing a risk of harm' to bring policy in line with KCSIE
<u>Page 3-4</u>	Clarification of reporting allegations to Principal
<u>Page 4</u>	Replaced 'should' with 'must' follow guidance in KCSIE
<u>Page 5</u>	'until this has been considered.' Inserted to permit interviewing of staff and pupils in relation to an allegation following consideration of the approach to investigation by the Principal and DSL.

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<https://www.hackneyservicesforschools.co.uk/system/files?file=extranet/Guidance%20for%20Schools%20on%20Dealing%20with%20Allegations%20of%20Abuse%20Against%20Staff%20and%20Volunteers.pdf>

Appendix 2: Local Children's Safeguarding Board guidance for allegations

Allegations against Staff or Volunteers

Reporting an Allegation or Need a Consultation?

The LADO should always be contacted when there is an allegation that any person who works with children 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 may pose a risk of harm to children.

City of London LADO – 0207 332 3621

Hackney LADO – 0208 356 4569 / LADO@hackney.gov.uk

If you have a concern that a person may have behaved inappropriately or you have received information that may constitute an allegation

You Should

Report it to the Designated Senior Manager within your organisation as soon as possible, however trivial it may seem;

Make a signed and dated written record of your concerns, observations or the information you have received;

Maintain confidentiality and guard against publicity while an allegation is being considered or investigated;

Follow local information sharing protocols



London Child Protection Procedures

You Should Not

Attempt to deal with the situation yourself;

Make assumptions, offer alternative explanations or diminish the seriousness of the concerns;

Keep the information to yourself or promise confidentiality;

Do anything that might undermine any future action, such as interviewing the alleged victim or witnesses, or informing the alleged perpetrator or parents or carers.



Refer to the Disclosure & Barring Service (DBS)