



**Ridgeway Primary School**  
**Managing Allegations against Staff**

**Scope of Policy**

This policy covers cases of allegations that might indicate 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 a teacher or other member of staff:

- 1. Behaved in a way that has harmed a child, or may have harmed a child.**
- 2. Possibly committed a criminal offence against or related to a child.**
- 3. Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.**

This policy applies to all schools and relates to all adults who work with children and young people, whether paid or voluntary, permanent or temporary/supply. It is about managing cases of allegations that might indicate 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.

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.
- In response to an allegation staff suspension should not be the default option. **An individual should only be suspended if there is no reasonable alternative.** If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.
- **Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.**
- Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- The focus is on making sure that allegations are dealt with quickly; ensuring that suspension of a member of staff is only used if absolutely necessary; ensuring that teachers' records only include information about cases that have been proven; consideration being given to whether children who make false or malicious allegations should be punished or, in some cases, whether children or an adult who may have committed a criminal offence should be taken down a criminal route.
- All schools should have procedures for dealing with allegations and the procedures should make it clear that all allegations should be reported straight away, normally to the Headteacher.
- The procedures should identify the person to whom reports should be made in the absence of the Headteacher or if the concern is about the Headteacher (often the Chair of Governors)

and should also include contact details for the LADO (Local Authority Designated Officer for Child Protection), who should also be informed of all allegations that appear to meet the criteria so that consideration may be given to the appropriate way forward in dealing with the allegation.

### **Supporting those involved - staff**

Ridgeway Primary School acknowledges its duty of care to its employees and will act to manage and minimise the stress inherent in the allegations and disciplinary process.

Support for the individual is key to fulfilling this duty and individuals will 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 local authority social care services or the police.

The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.

If necessary, Ridgeway Primary School will arrange access to welfare counseling or medical advice e.g. via the local authority occupational health or employee welfare arrangements, where this is judged appropriate.

Ridgeway Primary School will appoint a named representative (usually the Headteacher or, in the case of an allegation against the Headteacher, the Chair of Governors) 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.

Ridgeway Primary School will ensure that where employees are suspended that they are kept informed of both the progress of their case and current work related issues.

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

### **Supporting those involved – parents/carers/children**

Parents/carers of a child or children involved will 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 local authority children's social care services need to be involved, the Headteacher or Chair of Governors will wait until those agencies have been consulted and have agreed what information can be disclosed to the parents.

Parents or carers will 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.

Ridgeway Primary School will consider what support the child or children involved may need.

## **Policy and procedures**

### **Serious allegation**

1. In the event of an allegation so serious as to require immediate intervention by the local authority's social care services and/or police the Headteacher of Ridgeway Primary School (or the Chair of Governors if the allegation is against the Headteacher) will inform the local authority designated officer (LADO) - see contact details at end of policy - of all allegations that appear to meet the criteria so that they can consult police and local authority children's social care services as appropriate.
2. The Headteacher or Chair of Governors will, in the first instance, discuss the allegation with the LADO. The purpose of this initial discussion is to consider the nature, content and context of the allegation and agree a course of action.
3. The Headteacher or Chair of Governors should inform the accused person about the allegation as soon as possible after consulting the LADO. He or she should provide them with as much information as possible at the time. However, where a strategy discussion is needed, or police or local authority's social care services need to be involved, the Headteacher or Chair of Governors should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.
4. The Headteacher or Chair of Governors will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved.
5. At the request of the LADO, Ridgeway Primary School will provide any additional information which may be relevant, such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children. This information will be evaluated by the LADO.

### **Outcome of initial evaluation**

1. Initial 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 Headteacher or Chair of Governors and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The Headteacher or Chair of Governors will agree with the LADO what action should follow in respect of the individual and those who made the initial allegation.
2. If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.
3. Where it is clear that an investigation by the police or local authority children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO will discuss the next steps with the Headteacher or Chair of Governors. The options open to Ridgeway Primary School depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Ridgeway Primary School will not use suspension as the default position and will only suspend an individual if there is no reasonable alternative.
6. In some cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO will discuss with the Headteacher or Chair of Governors, how and by whom the

investigation will be undertaken. In straightforward cases the investigation should normally be undertaken by a senior member of Ridgeway Primary School's staff. However, in other circumstances lack of appropriate resource within Ridgeway Primary School or the nature or complexity of the allegation will require an independent investigator. Ridgeway Primary School will liaise with the LADO to ensure access to an independent investigator where that is appropriate.

### **Suspension**

- The possible risk of harm to children posed by an accused person will be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases that will require Ridgeway Primary School to consider suspending the person until the case is resolved.
- If Ridgeway Primary School is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone.
- Suspension will only be considered in a case where there is cause to suspect a child or other children at Ridgeway Primary School are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case.
- Ridgeway Primary School will consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation.
- Any decision to suspend will take into account the potential permanent professional reputational damage to teachers that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.
- Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.
- Local authority children's social care services or the police cannot require a school to suspend a member of staff or a volunteer, although schools should give appropriate weight to their advice. The power to suspend is vested in the Headteacher and governing body of the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the local authority social care services and/or an investigation by the police, the LADO should canvass police and the local authority children's social care services for views about whether the accused member of staff needs to be suspended from contact with children to inform the school's consideration of suspension.

### **Action following a criminal investigation or a prosecution**

The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away 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 a person has been charged.

In those circumstances the LADO should discuss with the Headteacher or Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.

The information provided by the police and/or the local authority social care services should inform that decision.

The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **Action on conclusion of a case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the school and its personnel adviser whether a referral to the Disclosure and Barring Service for consideration of inclusion on the barred lists is required.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Professional misconduct cases should be referred to the relevant regulatory body.

The DBS will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments. Schools have a statutory duty to make reports and to provide relevant information to the DBS.

Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, Ridgeway Primary School will consider how best to facilitate that.

Most people will benefit from some help and support to return to work after a very 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.

Ridgeway Primary School will 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.

### **Action in respect of unfounded or malicious allegations**

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to local authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else.

In the event that an allegation is shown to have been deliberately invented or malicious, the Headteacher or Chair of Governors, in the event of a malicious allegation against the Headteacher, should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil.

## **Confidentiality**

Ridgeway Primary School will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally provide any information to the school, parents, 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 might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.).

Ridgeway Primary School will take advice from the LADO, police and local authority 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.
- How to manage press interest if and when it should arise.

## **Resignations and ‘Compromise Agreements’**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.

Ridgeway Primary School will make every effort 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 person will 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 judgment about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. However, Ridgeway Primary School recognises that it might 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 believe it is important to reach and record a conclusion wherever possible.

By the same token so called ‘compromise agreements’, by which a person agrees to resign if the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used by Ridgeway Primary School in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require that.

## **Staff References**

In cases in which an allegation was proven to be unsubstantiated, unfounded or malicious Ridgeway Primary School will not include them in employer references.

A history of repeated concerns or allegations which have all been found to be unsubstantiated will also not be included in any reference.

Substantiated outcomes will be included in references.

## **Record Keeping**

Details of allegations that are found to have been malicious will be removed from personnel records.

However, for all other allegations, Ridgeway Primary School will maintain 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, on a person's confidential personnel file, and a copy will be provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate.

It will provide clarification in cases where future CRB Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## **LADO Contact for Ridgeway Primary School**

**Call the First Response Number and ask for the LADO 0800 1313126**

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Joanne Jelves

## **Document History**

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