



The Schools HR Co-operative  
*Every School Matters*



# Dealing with Allegations of Abuse Against Teachers and Other Staff

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This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.	

Signed Chair of Committee:

Date:

Signed Headteacher:

Date:

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## 1. Introduction

At Orleans Primary School, we have a whole school approach to safeguarding which is embedded in the ethos and culture of the school. We promote and open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Despite all efforts to recruit safely there will be occasions when allegations of abuse by staff, volunteers, supply staff, practitioners, governors and contractors against children are raised.

It is essential that any allegation of abuse made against a teacher or other member of staff (including supply staff, practitioners, governors and contractors and volunteers), is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation.

This procedure is drawn up taking account of the following prevailing guidance:

- Working Together to Safeguard Children
- London Child Protection Procedures
- Keeping Children Safe in Education (KCSIE) – Statutory Guidance (Part Two “The Management of Safeguarding” and Part Four “Allegations of Abuse made against Teachers and other Staff, including Supply Teachers and Volunteers”).

## 2. Scope

This procedure applies to all staff employed by Orleans Primary School.

Where the Headteacher is the subject of the allegation or concern, all references to the Headteacher should be replaced with Chair of Governors.

This procedure applies to any child the member of staff (as listed in section 1 has contact with in their professional or community life. This policy should be used in respect of all cases in which it is alleged that a teacher or other member of staff in a school has **met the threshold of harm/risk of harm**:

- Possibly committed a criminal offence against or related to a child;
- Behaved in a way that has harmed a child, or may have harmed a child;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

These behaviours should be considered within the context of the four categories of abuse:

- physical abuse
- sexual abuse
- emotional abuse, and
- neglect.

These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.);
- Possession of indecent photographs/pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation/concern that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon.
- As a parent or carer, has become subject to child protection procedures.

The allegation/concern can relate to staff (as set out in section 1) who are currently working in any school regardless of whether the school is where the alleged abuse took place.

Where the allegation/concern is against a member of staff (as set out in section 1) this should be referred to the Headteacher/DSL.

Where the allegation/concern is against the Headteacher, this should be referred to the Chair of Governors.

### **3. What might be involved?**

There are up to five strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Local authority social care enquiries and/or assessment about whether a child is in need of protection or in need of services;
- Consideration by the school of disciplinary action in respect of the individual against whom the allegation is made;
- Consideration by the school of appropriate action in respect of supply staff against whom the allegation is made. Whilst the school is not the employer of supply staff, it should ensure allegations are dealt with properly. Schools should not decide to cease using supply staff due to safeguarding concerns, without finding out the facts and liaising with the Local Authority (LADO) to determine a suitable outcome and follow the guidance as set out in KCSIE 2022 (please see section 8 for further detail on the specific actions to be taken regarding supply staff.) The school should discuss all

options with the supply agency with respect to the continued employment of the supply staff whilst the investigation is being carried out.

- Whether action in regards to the person making the allegation should be considered where the allegation has no foundation and may be malicious.

#### **4. Roles and responsibilities**

All staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the Designated Safeguarding Lead (or a Deputy Designated Safeguarding Lead) and children's social care services. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

##### **4.1 Reducing the Risk of Allegations**

To reduce the risk of allegations, all staff should be aware of safer working practice and should be familiar with the guidance contained in the staff handbook/ staff code of conduct and the 'Guidance for Safer Working Practice for adults who work with children and young people in education settings'

Guidance for Safer Working Practices

<http://www.lscb.org.uk/wp-content/uploads/GSWP-May-2019-final.pdf>

Guidance for safer working practice addendum April 2020

<https://www.safeguardingchildren.co.uk/wp-content/uploads/2020/04/Guidance-For-Safer-Working-Practice-COVID-addendum-April-2020.pdf>

Guidance about conduct and safe practice, including safe use of mobile phones by staff, will also be given at induction. The Behaviour and Discipline Policy is also covered in induction and is followed by all staff with refresher training at points during the year.

All school staff should take care not to place themselves in a vulnerable position with a pupil. It is always advisable for meetings or work with individual pupils or parents to be conducted in view of other adults/with the classroom door open etc.

##### **Designated Safeguarding Lead**

##### **4.1 The school should appoint:**

- A member of the school's leadership team to the role of Designated Safeguarding Lead. The responsibilities of this role should be explicit in the role holder's job description. (See **Appendix 5** for the DSL job description for Orleans Primary School). Allegations or concerns which fit the criteria set out in Section 2 above should be reported to the Designated Safeguarding Lead.
- A deputy to the Designated Safeguarding Lead to whom reports should be made in their absence or where the Designated Safeguarding Lead is the subject of the allegation or concern. The responsibilities of this role should be explicit in the role holder's job description.

## Local Authority Designated Officer

4.2 The Local Authority provides a central point of contact to whom the Designated Safeguarding Lead must report all appropriate allegations which fit the criteria set out in Section 2 of this policy. This is the Local Authority's Designated Officer (LADO.) The Designated Officer's role is to:

- Receive reports about allegations and to be involved in the management and oversight of individual cases;
- Provide advice and guidance to the school;
- Liaise with the police, local authority children's social care services, and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Provide advice and guidance to schools in relation to making referrals to the Disclosure and Barring Service (DBS) and other regulatory bodies such as Ofsted.

**The contact details for the LBRUT LADO are as follows:**

**SPA:** 020-8547 5008

**OUT OF HOURS:** 020-8770 5000

**LADO:** 07774 332675

[lado@achievingforchildren.org.uk](mailto:lado@achievingforchildren.org.uk)

## Supply Agencies – allegations against supply staff

4.3 Agencies should be fully involved and co-operate in any queries from the Designated Officer/Police/children's social care services. The school will usually take the lead because agencies will not have direct access to children or other school staff so they will not be able to collect the facts when an allegation is made, nor will they have all the relevant information required by the LADO as part of the referral process.

When using agencies, the school should inform them of its process for managing allegations. This should include identifying a point of contact at the agency and providing them with this policy and access to any other relevant safeguarding policies, procedures, or practices. Agencies should be involved, if necessary, in any investigation relating to staff they have supplied.

## 5. Initial considerations

This procedure for dealing with allegations needs to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by local authority children's social care services and/or the police.

The LADO should be informed of **all** allegations that come to the school's attention and appear to meet the criteria so that they can consult the police and the local authority children's social care services as appropriate.

#### Low Level Concerns

The term 'low level concern' does not mean that it is insignificant; it means that the behaviour towards a child does not meet the threshold set out above. 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 may have acted in a way that:

- Is inconsistent with the staff code of conduct, including appropriate conduct outside of work
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of this type of behaviour could include, but are not limited to;

- Being over friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Using inappropriate sexualised, intimidating or offensive language

Such behaviour can exist on a wide continuum, from inadvertent or thoughtless, or behaviour that may look to be appropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse. The culture of our school is that staff are encouraged to pass on low level concerns to the DSL or the Headteacher. These concerns will be recorded and dealt with appropriately.

## **6. Initial response to an allegation or concern**

An allegation against a member of staff (including supply staff, volunteers, and governors) may arise from a number of sources e.g. report from a child, a concern raised by another adult in the school, or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

### **6.1 Initial action by person receiving or identifying an allegation or concern:**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality but they should give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the Designated Safeguarding Lead, or the Deputy Safeguarding Lead in their absence or; where the Designated Safeguarding Lead is the subject of the allegation, report to the Deputy Safeguarding Lead or another appropriate senior manager.
- If the allegation made to a member of staff concerns the Headteacher, the person receiving the allegation will immediately inform the Chair of Governors who will consult with the LADO without informing the Headteacher first. The contact details for the Chair of Governors are on the school website.

All staff should be trained in how to report safeguarding concerns which, for certain staff will include the recording of details into a manual or electronic recording system (such as CPOMS). For those staff that do have responsibility for formally recording concerns, clear guidance should be provided on what to report and how to report it.

## 6.2 Initial action by the Designated Safeguarding Lead

When informed of an allegation or concern, the Designated Safeguarding Lead should not investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the allegation/concern, signed and dated by the person receiving (not the child/adult making the allegation) the allegation;
- Approve and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff concerned, any decisions made, and the reasons for those decisions.

The Designated Safeguarding Lead should review the information available and consideration should be given as to whether the case meets the **threshold of harm/risk of harm**. At Orleans Primary School, the DSL will seek advice from the LADO to confirm whether the incident meets the threshold of harm/risk of harm.

If the allegation meets the criteria set out in Section 2 above (i.e. the threshold of harm), the Designated Safeguarding Lead should report it to the LADO **within 24 hours** of an allegation being made and prior to any further investigation taking place.

A failure to report an allegation in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the Designated Safeguarding Lead should consult the local authority children's social care services' emergency duty team or local police and inform the LADO as soon as possible.



## **7. Initial discussion with the Local Authority Designated Officer (LADO)**

The purpose of an initial discussion with the LADO is for them and the Designated Safeguarding Lead to consider the nature, content and context of the allegation and agree a course of action. The LADO and Designated Safeguarding Lead should consider whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

This 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 Designated Safeguarding Lead and the Designated Officer, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The Designated Safeguarding Lead should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

If the allegation is not demonstrably false and there is cause to suspect that the adult poses a risk of harm, the LADO should convene an 'Allegations against Staff and Volunteers' (ASV) meeting/discussion.

If the allegation is about physical contact, the ASV meeting/discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

## **8. 'Allegations against Staff and Volunteers (ASV)' meeting/discussion**

An ASV meeting/discussion will decide the strategy for managing the allegation. Where necessary this will be a face-to-face meeting. Many cases can be managed through a discussion between the Designated Safeguarding Lead, the LADO, the police, and any other relevant agency. Where communication is via telephone or email, records should be kept for audit purposes.

Depending on the circumstances of the case, the LADO will make the decision on who would be the appropriate professionals/agencies who should be in attendance. The ASV meeting/discussion will be chaired by the LADO.

The meeting/discussion should:

- Decide whether there should be a s47 enquiry and/or police investigation;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- 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>);
- Consider whether a complex abuse investigation is applicable;
- Plan enquiries if needed, allocate tasks and set timescales;

- Decide what information can be shared, with whom and when.

The meeting/discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that the investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the Designated Officer, having regard to the target timescales;
- Consider issues for the attention of the Headteacher and Governing Board (e.g. media interest, resource implications);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the school's safeguarding arrangements;
- Agree dates for future meetings/discussions.

A final meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

The meeting/discussion should take into account the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient evidence to prove the allegation that a child has been harmed or there is risk of harm.
2. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
3. **False:** there is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive
4. **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation, the term therefore does not imply guilt or innocence.

5. **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.

### **Allegations against supply or agency staff**

In the event of an allegation against supply or agency staff not directly employed by the school, where the schools disciplinary procedures do not fully apply because agencies will have their own policies and procedures (for example, supply teachers or contracted staff provided by an employment agency or business) the school will seek to ensure that allegations are dealt with properly. Under no circumstances will the school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

The Headteacher in conjunction with the Chair of Governors will discuss with the supply agency or agencies where the supply teacher is working across a number of schools, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The school will usually take the lead because agencies do not have direct access to children or other school or college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support.

The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation. When using a supply agency, schools and colleges should inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers.

This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies

## **9. Information sharing**

In an ASV meeting/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 school should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the 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.

The local authority 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 school without delay.

Where the school is not the employer of the person who is the subject of the allegation, they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with all relevant parties concerned (this includes supply teachers and volunteers).

## **10. Outcome of 'Allegations against Staff and Volunteers (ASV)' meeting/discussion**

### **10.1 Cases leading to a police investigation and/or enquiries by local authority children's social care services**

The meeting will consider if the school's disciplinary process can be taken forward in parallel with the criminal investigation; or whether it is necessary to wait for the outcome of the police enquiries before any disciplinary action can be considered.

Each case must be judged on its merits, but it is important to remember that the balance of proof in a disciplinary case is far less than in a criminal investigation, and a successful criminal prosecution is not essential for an employee to face disciplinary sanction. However, the school must be careful to ensure that their disciplinary investigations/actions do not in any way jeopardise a criminal investigation. Advice from the police and LADO will be essential when making this decision.

### **10.2 Cases which do not require police investigation and/or enquiries by local authority children's social care services**

Where it is clear that an investigation by the police or local authority children's social care services is unnecessary, the LADO should discuss the next steps with the designated senior manager. In these circumstances the options open to the school will 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.

The circumstances of the case and the school's own disciplinary and conduct policies will determine the most appropriate action.

If further investigation is necessary to enable a decision about how to proceed, the LADO should discuss with the designated senior 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 staff. However, in other circumstances, lack of appropriate resource or expertise within the school, or the nature or complexity of the allegation may require an independent investigator, in which case the school may consider commissioning an independent investigator.

## **11. Informing others involved**

The LADO will advise the school whether informing the parent of the child involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the school should inform the parent. In some circumstances, however, the parent may need to be told straight away (e.g., if a child is injured and requires medical treatment).

## 12. Informing the person accused of the allegation

The school should seek advice from the LADO, the police and/or local authority children's social care services about how much information should be disclosed to the accused member of staff. Subject to restrictions on the information that can be shared, the school should, as soon as possible, inform the accused member of staff about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g., disciplinary action, dismissal, referral to the DBS and other regulatory body).

The accused member of staff should be:

- Treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Advised to contact their trade union representative, if they have one, or a work colleague for support;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- (If suspended) provided with a named contact and be kept up to date about events in the workplace;
- Given access to the school's Employee Assistance Programme for support, if available.

## 13. Suspension

Suspension of the member of staff, against whom an allegation has been made needs careful consideration. It should not be an automatic response when an allegation is reported. The Headteacher will seek the advice of the LADO and an HR consultant in making this decision. All options to avoid suspension will be considered. In the event of an allegation against the Headteacher, the decision to suspend will be made by the Chair of Governors in consultation with the LADO and HR.

Suspension should be considered in any case where:

- There is cause to suspect a child has suffered, or is likely to suffer significant harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

Views on suspension can be canvassed at any ASV meeting/discussion held. However, only the Headteacher or the Governing Board has the power to suspend and they cannot be required to do so by the LADO or the police, although schools should give appropriate weight to their advice.

Based on assessment of risk, the following alternatives should be considered by the Headteacher before suspending:

- Redeployment within the school 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 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 within a multi-academy trust.

Where it has been deemed appropriate to suspend, this should be confirmed in writing to the individual concerned **within one working day**.

Suspension will be in line with the school's Disciplinary Policy & Procedure.

Please also see Section 17 within this document for guidance on occasions where it may be necessary to make a referral to DBS when an individual is suspended or deployed to another area of work that is not regulated activity.

The school should appoint a named contact at the school for the staff member during their period of suspension.

In cases where it is decided on the conclusion of the case that the individual who has been suspended can return to work, the school should consider how best to facilitate that. Most people would benefit from some help and support to return to work after what can be a very stressful experience. Depending on the individual's circumstances, a phased return and/or provision of a mentor to provide assistance and support in the short term may be appropriate. The school should also consider how the individual's contact with the child or children who made the allegation can best be managed.

## 14. Confidentiality

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Section 13 of the Education Act 2011 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 disappplied 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.

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). Parents should therefore be made aware of the requirement to maintain confidentiality about allegations made against teachers whilst the investigation is ongoing.

In accordance with the Authorised 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, e.g. an appeal to trace a suspect, they must apply to the magistrates' court to request that reporting restrictions to be lifted).

Schools should 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; and
- How to manage press interest if, and when, it should arise.

## 15. Disciplinary or suitability process and investigations

The LADO and the Designated Safeguarding Lead should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by the ASV meeting/discussion that a police investigation or local authority children's social care services enquiry is not necessary; or
- The school or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or local authority children's social care services;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

The investigation and any subsequent disciplinary hearing should be held in accordance with the school's disciplinary policy and procedure.

If formal disciplinary action is not required, the school should institute appropriate action **within 3 working days**.

If a disciplinary hearing is required, and further investigation is not required, it should be held **within 15 working days**.

If further investigation is needed to decide upon disciplinary action, the school and the LADO should discuss whether the school has appropriate resources or whether it should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.

The aim of the investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with local authority children's social care services and the police. Consideration should again be given as to whether suspension is appropriate in light of new information.

The investigating officer should aim to provide a report **within 10 working days**.

On receipt of the report the school should decide, **within 2 working days**, whether a disciplinary hearing is needed. If a hearing is required, it should be held **within 15 working days**.

For supply staff, the process described above, will be the responsibility of the supply agency and not the school.

## 16. Resignations and 'Settlement Agreements'

Every effort should be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, even if:

- The individual refuses to co-operate, having been given a full opportunity to respond to the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if the person's period of notice expires (where the staff member has resigned) before the process is complete.

By the same token, so-called 'settlement agreements', by which a person agrees to resign provided disciplinary action is not taken and that a future reference is agreed, **must not be used 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 or to the Teaching Regulation Agency (TRA) where circumstances require that.

A settlement agreement which prevents the school from making a DBS referral where the criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral.

## 17. Referral to the Disclosure and Barring Service (DBS)/Teaching Regulation Agency (TRA)

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child where:



- The harm test is satisfied in respect of that individual\*
- The individual has received a caution or conviction for a relevant offence, or if there is reason to believe a caution or conviction for a relevant offence (as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 No. 37) (amended); or if there is reason to believe that the individual has committed a listed relevant offence; and
- The individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

If the allegation is substantiated and the employee is dismissed or the school ceases to use the individual's services, or the individual resigns or otherwise ceases to provide their services, the Designated Safeguarding Lead should discuss with the LADO whether a referral to DBS and, in the case of a teacher, to the Teaching Regulation Agency (TRA) is appropriate.

Referrals should be made as soon as possible after the resignation or removal of the individual concerned and within one month of ceasing to use the individual's services. The DBS will consider barring the individual from working in regulated activity, and the TRA, in the case of a teacher, will consider prohibiting the individual from teaching.

The legal duty to refer to DBS applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended. It is strongly recommended that advice be sought from the LADO prior to making a referral to DBS at this stage.

\*[DBS guidance](#) states that a person satisfies the harm test if they **may** harm a child or put them at risk of harm. A person satisfies the harm test if they **may**:

- harm a child
- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child.

## 18. Lessons learnt

On the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Designated Safeguarding Lead and Chair of Governors to determine whether there are any improvements to be made to the school'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 the suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and the Designated Safeguarding Lead should consider how future investigations of a similar nature could be carried out without suspending the individual.

## 19. Record keeping

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

For all other allegations, it is important that 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, is kept on the person's confidential personnel file, and a copy 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 DBS checks 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.

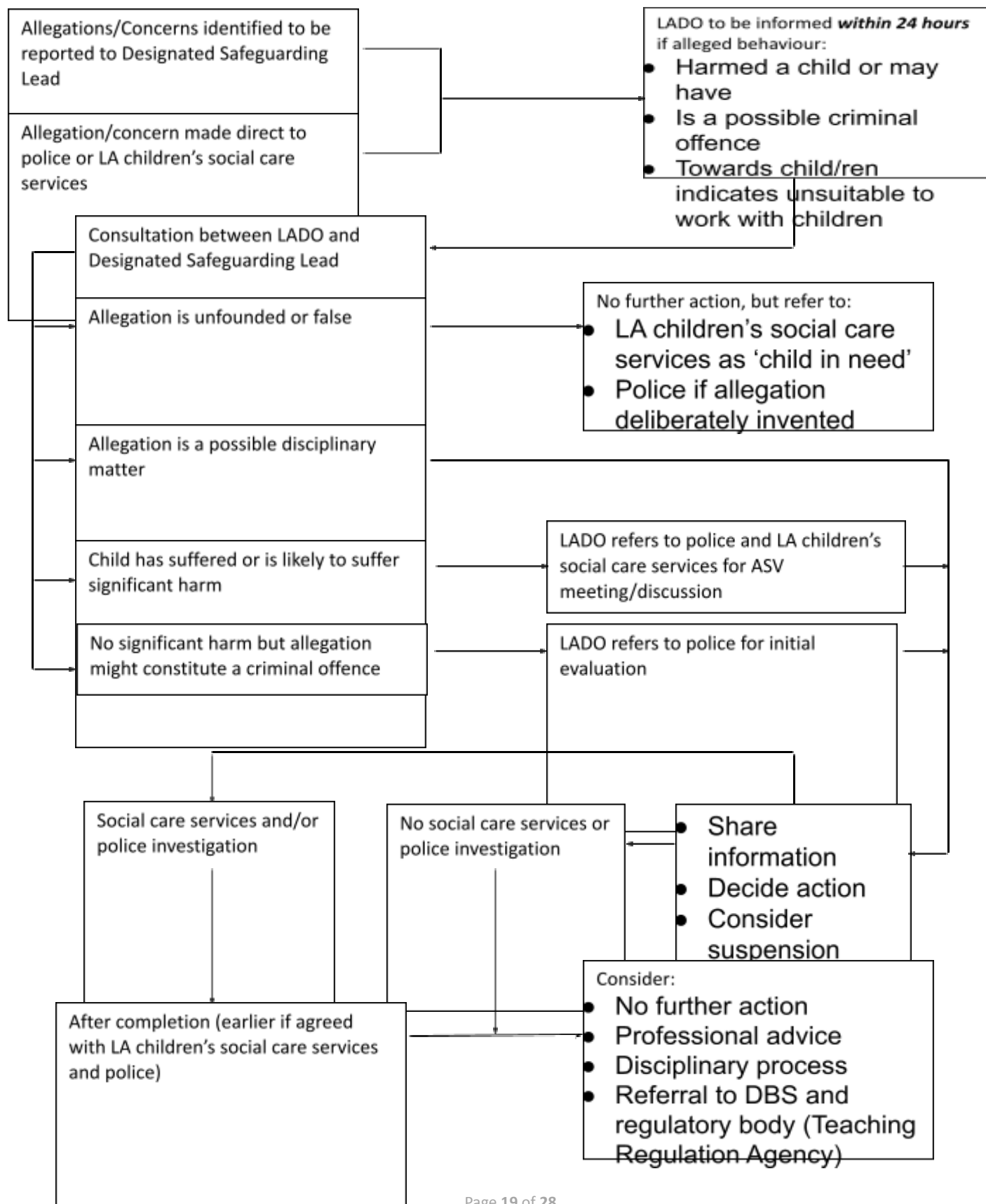
The record should be kept at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

**Appendix 4** provides a Record of Allegations template that schools can consider using to record allegations of this nature.

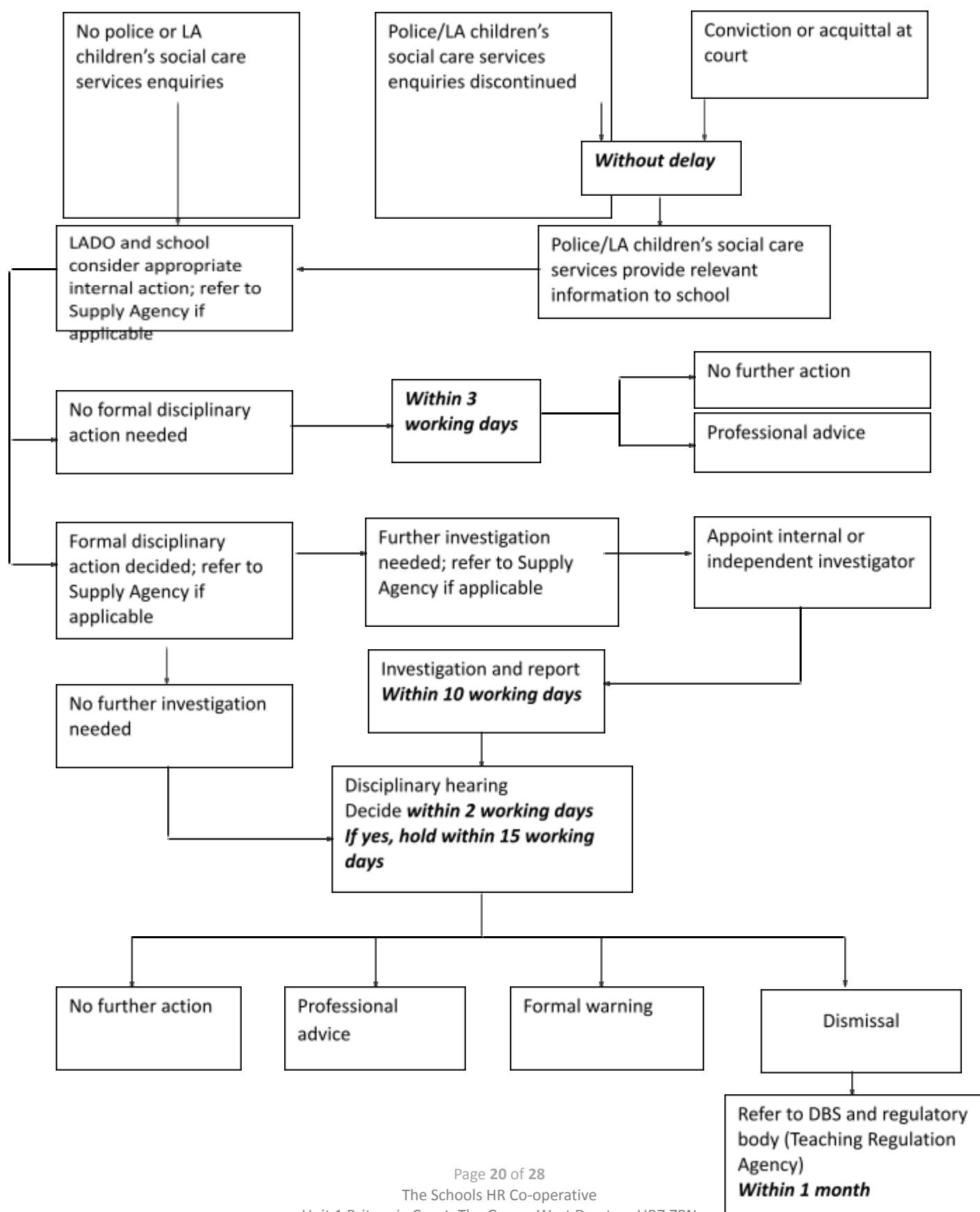
## **20. References in cases where the allegation is false, unsubstantiated, or malicious**

Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, malicious etc. should also not be included in any reference.

**Allegations/Concerns against Staff (including Supply Staff, Volunteers, and Governors)  
Child Protection Process Flowchart**



**Allegations/Concerns against Staff (including Supply Staff, Volunteers, and Governors)  
Disciplinary/Suitability Process Flowchart**



## Summary of Actions

Schools can use the following summary as a checklist – but must refer to the full procedure for guidance.

- When an allegation is made it must be reported to the **school's Designated Safeguarding Lead**.
- The Designated Safeguarding Lead manager should report this to the **Local Authority's Designated Officer**.
- The LADO will decide if an **ASV meeting/discussion** should be convened (in cases of risk of significant harm), and will arrange for that to happen.
- If the threshold for significant harm is not met, the LADO will carry out an **initial evaluation** – this may or may not involve the police and or local authority children's social care services.
- The school and the LADO will agree the **next steps** – if possible, the employee will be informed of the allegation at this stage.
- The school will aim to carry out any agreed **next steps** within the recommended **timescales** (set out at Appendix 2).
- **A summary record of the allegation**, whether substantiated or not, will be kept on the individual's personnel file until they reach normal retirement age, or for 10 years whichever is longer. However, allegations that are **found to have been false or malicious should be removed** from the personnel file.
- Allegations that are **unsubstantiated, unfounded or malicious** should **not be referred to in employer references**.

**HIGHLY CONFIDENTIAL – TO BE PLACED ON EMPLOYEE’S PERSONNEL FILE****RECORD OF AN ALLEGATION/CONCERN RAISED RELATING TO  
AN ADULT WHO WORKS WITH CHILDREN**


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<b>School:</b>
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<b>Name of Employee (Volunteer/Governor)</b>	<b>Employee Number</b>	<b>Date of Birth</b>
<b>Job Title</b>	<b>Date of Allegation</b>	

**PART ONE****Explanatory statement**

This statement is made in accordance with prevailing guidance contained within:

- Working Together to Safeguard Children
- London Child Protection Procedures
- Keeping Children Safe in Education (KCSIE).

Details of all allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations it is important that 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, is kept on the confidential file of the person concerned and a copy of the record provided to them.

Allegations that are, malicious, false, unsubstantiated or unfounded should not be referred to in employer references.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

**This record will be retained on file until the employee has reached normal retirement age, or for a period of 10 years from the date of the allegation, if that is longer.**

## **PART TWO**

### **Summary of allegation**

### **How allegation was followed up**

### **Outcome of investigation (see Part Three)**

### **Action taken and decisions reached**

### **Employee comments (if appropriate)**

#### **Designated Safeguarding Lead (School)**

**Name:**

**Signed:**

#### **Assigned Local Authority's LADO(if appropriate)**

**Name:**

**Signed:**

#### **Employee**

**Name:**

**Signed:**

### **PART THREE**

#### **Possible outcomes are:**

1. ***Substantiated:*** there is sufficient evidence to prove the allegation that a child has been harmed or there is risk of harm.
2. ***Malicious:*** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
3. ***False:*** there is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.
4. ***Unsubstantiated:*** there is insufficient evidence to prove or disprove the allegation, the term therefore does not imply guilt or innocence.
5. ***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.



## **Role of the Designated Safeguarding Lead (as set out in Keeping Children Safe in Education guidance)**

Orleans Primary School: Job description: designated safeguarding lead (DSL)

### **Main purpose**

The DSL will take lead responsibility for safeguarding and child protection across the school (including online safety). They will take part in strategy discussions and inter-agency meetings, and contribute to the assessment of children.

They will advise and support other members of staff on child welfare, safeguarding and child protection matters, and liaise with relevant agencies such as the local authority and police.

Phoebe du Parc and Sarah Connolly are DDSLs for the school (January 2023)

Some safeguarding activities may be delegated to deputies, but the DSL will retain ultimate lead responsibility for safeguarding and child protection.

### **Duties and responsibilities**

#### **Managing referrals**

- Refer cases of suspected abuse and neglect to the local authority children's social care
- Support staff who make referrals to the local authority children's social care
- Refer cases to the Channel programme where there is a radicalisation concern
- Support staff who make referrals to the Channel programme
- Refer cases to the Disclosure and Barring Service where a person is dismissed or leaves due to risk or harm to a child
- Refer cases to the police where a crime may have been committed

#### **Working with staff and other agencies**

- Act as a source of support, advice and expertise for all staff
- Act as a point of contact with the safeguarding partners
- Inform the headteacher of safeguarding issues, especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations
- Liaise with the case manager and the local authority designated officer(s) (LADO) for child protection concerns in cases which concern a staff member
- Liaise with staff on matters of safety, safeguarding and welfare (including online and digital safety), and when deciding whether to make a referral by liaising with relevant agencies so that children's needs are considered holistically
- Liaise with the senior mental health lead and, where available, the mental health support team, where safeguarding concerns are linked to mental health
- Promote supportive engagement with parents and/or carers in safeguarding and promoting the welfare of children, including where families may be facing challenging circumstances
- Work with the headteacher and relevant strategic leads, taking lead responsibility for promoting educational outcomes by:
- Knowing the welfare, safeguarding and child protection issues that children in need are experiencing, or have experienced

- Identifying the impact that these issues might be having on children's attendance, engagement and achievement at school

The above includes:

- Ensuring the school knows which children have or have had a social worker, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort
- Supporting teaching staff to provide additional academic support or reasonable adjustments to help these children reach their potential

### **Managing the child protection file**

- Ensure child protection files are kept up to date
- Keep information confidential and store it securely
- Make sure records include: a clear and comprehensive summary of the concern; details of how the concern was followed up and resolved; and a note of any action taken, decisions reached and the outcome
- Ensure files are only accessed by those who need to see them, and that where a file or content within it is shared, this happens in line with information sharing advice as set out in Keeping Children Safe in Education (KCSIE)
- Where children leave the school (including in year transfers):
- Ensure their child protection file is securely transferred to the new school as soon as possible, separately from the main pupil file, with a receipt of confirmation, and within the specified time set out in KCSIE
- Consider whether it would be appropriate to share any additional information with the new school before the child leaves, to help them put appropriate support in place

### **Raising awareness**

- Ensure each member of staff has access to, and understands, the school's child protection policy and procedures, especially new and part-time staff
- Work with the governing board to ensure the child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly
- Ensure the child protection policy is available publicly and parents are aware that referrals about suspected abuse or neglect may be made and the role of the school in this
- Link with the safeguarding partner arrangements to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements
- Help promote educational outcomes by sharing information with teachers and school leadership staff about the welfare, safeguarding and child protection issues that children who have or have had a social worker are experiencing

### **Training**

- Undergo training (at least every 2 years) to gain the knowledge and skills required to carry out the role and meet the expectations set out in KCSIE, including those outlined in the 'Training, knowledge and skills' section of annex C
- Undertake Prevent awareness training
- Refresh knowledge and skills at regular intervals and at least annually

### **Providing support to staff**

- Support and advise staff and help them feel confident on welfare, safeguarding and child protection matters
- Support staff during the referrals process
- Support staff to consider how safeguarding, welfare and educational outcomes are linked, including to inform the provision of academic and pastoral support

### **Understanding the views of children**

- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, and in any measures the school may put in place to protect them
- Understand the difficulties that children may have in approaching staff about their circumstances and consider how to build trusted relationships which facilitate communication

### **Holding and sharing information**

- Understand the importance of information sharing, both within the school, with other schools and colleges on transfer, and with the safeguarding partners, other agencies, organisations and practitioners
- Understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
- Keep detailed, accurate, secure written records of concerns and referrals

### **Other areas of responsibility**

- Any other duties necessary to the role.

The DSL will be required to safeguard and promote the welfare of children and young people, and follow school policies and the staff code of conduct.

During term time, the DSL should always be available during school hours for staff in the school to discuss any safeguarding concerns. Ideally, this will be in person, but can also be via phone or video call in exceptional circumstances.

Please note that this list of duties is illustrative of the general nature and level of responsibility of the role. It is not a comprehensive list of all tasks that the DSL will carry out. The postholder may be required to do other duties appropriate to the level of the role.

### **Notes:**

This job description may be amended at any time in consultation with the postholder.

**Last review date:** October 2021

**Next review date:** October 2022

**Headteacher/line manager's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Postholder's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Availability**

During term time, the Designated Safeguarding Lead (or a Deputy Designated Safeguarding Lead) should always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking the Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead) would be expected to be available in person, it is a matter for individual schools, working with the Designated Safeguarding Lead, to define what 'available' means and whether in exceptional circumstances availability via phone and or Skype or other such media is acceptable.

It is a matter for individual schools and the Designated Safeguarding Lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.