



Allegations against Staff and Volunteers

March 2022

1. Introduction

This policy sets out how the school will respond to an allegation of abuse towards students or children against a member of staff or against a volunteer working in the school. It should be read in conjunction with the school's safeguarding, disciplinary and whistle blowing policies, which include additional procedures regarding allegations of professional misconduct unrelated to abuse towards students. The policy is based on guidance from the Department for Education, and specialists in educational law and the protection of students and children.

If an internal investigation is required, the procedures identified within the school's disciplinary process will be adopted. In circumstances where the involvement of external agencies is required for the purposes of the investigation, advice will be sought from the Local Authority's Designated Officer (LADO), and the appropriate procedures will be incorporated in order to facilitate the external investigation.

2. Background and context

Given their contact with young people, members of staff can be vulnerable to allegations of abuse; it is therefore particularly important that staff remain continually aware of behaviour that is acceptable and behaviour that may leave them vulnerable. Such matters are addressed within the school's safeguarding policy and staff code of conduct and are included in the school's staff induction and training programmes.

The Governing Board of Langley Grammar School recognises its collective responsibility to safeguard and protect the welfare of children and young people in accordance its statutory responsibility under section 175 of the Education Act 2002 and, where appropriate, under the Children Act 1989.

Procedures will be conducted in accordance with the statutory guidance from the DfE as set out in the latest version of *Keeping Children Safe in Education*, the guidance provided by the Slough Local Safeguarding Children Board and with regard to the appropriate legislation.

3. Reporting an allegation of abuse

An allegation may relate to a concern that a member of staff has:

- Behaved in a way that has harmed, or may have harmed, a child or young person, or
- Possibly committed a criminal offence against or related to a child or young person, or
- Behaved towards a child or young person in a way that indicates s/he is unsuitable to work with children or young people.

An allegation should be reported immediately to the school's Designated Safeguarding Lead (DSL), the Headteacher or, where the Headteacher is the subject of the allegation, the Chair of Governors.

This policy applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching, or historic allegations of abuse, will be referred to the police.

Should an allegation be made against a member of staff which meets the above criteria, the school should immediately notify the Slough Borough Council Local Authority Designated Officer (LADO) for child protection in accordance with the procedures identified below. The Designated Officer will advise and provide guidance to the school in specific matters, including liaising with the police where necessary.

4. Procedure for dealing with allegations

a) General principles

The Governing Board takes seriously its responsibilities of duty of care towards its employees. The process will be managed in such a way as to minimise the stress inherent in such circumstances, and appropriate levels of support will be discussed and agreed with any member of staff who is the subject of an allegation, and their representative where applicable.

In the event that an allegation against a member of staff is made, priority will be given to ensuring that a resolution to the allegation is reached as soon as possible. The procedures will be applied with common sense and judgement, in a fair and consistent manner and in such a way as to protect the child or young person and at the same time supporting the person who is the subject of the allegation.

The timeframe for bringing the matter to a conclusion will depend upon the nature, seriousness and complexity of the allegation, however the school will aim to reach a resolution as quickly as possible, and within the timescales set out below.

b) Initial considerations

The procedures adopted in relation to allegations made will be applied using common sense, reasonableness and judgment. The DfE recognises that many cases 'may not meet the criteria (set out in section 3 above), or may do so without warranting consideration of either a police investigation or enquiries by local authority (LA) children's social care services'. Under such circumstances, the Governing Board will follow the appropriate procedures set out in the school's Staff Disciplinary Policy in order to bring the matter to a conclusion as soon as possible.

In the event of an allegation that meets the criteria above, the Headteacher (or Chair of Governors where the Headteacher is the subject of the allegation) will notify the LADO and appoint a case officer, normally the Designated Safeguarding Lead, to handle matters in connection with the investigation into the allegation. There will be relevant consideration as to who should carry out the investigation and this may, on occasion, necessitate the appointment of an external investigator.

The case officer will then liaise with the LADO regarding the nature and context of the allegation in order to agree on the appropriate course of action. The LADO may seek additional information from the LA regarding previous history, for example whether a child or her/his family have made similar allegations and the individual's current contact with children in other roles. During such a process, the LADO may recommend the involvement of the police.

The case officer may, on occasion, consider it necessary to involve the police *before* consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.

Contact with the member of staff accused must be made as soon as reasonably practicable following consultation with the LADO. The accused individual should be informed of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case officer will only share such information with the individual as has been agreed with those agencies.

Where appropriate the Headteacher will carefully consider whether suspension of the individual from contact with students is justified or whether alternative arrangements can be put in place. Advice will be sought from the Designated Officer, police and/or children's social care services, as appropriate

c) Suspension

In response to an allegation, the Headteacher will consider all alternative options before taking any decision to suspend a member of staff. Suspension is not considered the default position and such action will be taken only if there is no reasonable alternative.

Reasonable alternatives may include the following, however any decision will be based on assessment of risk and the school's ability to reasonably accommodate an alternative arrangement:

- Redeployment within the school so that the member of staff does not have direct contact with the student or students concerned.
- Providing an assistant to be present when the member of staff has contact with students or children.
- Redeploying to alternative work in the school so the member of staff does not have unsupervised access to students or children.
- Moving the child or children to classes where they will not come into contact with the member of staff, making clear this is not a punishment and parents have been consulted.

The member of staff will be advised to contact their trade union representative, if they have one, or a colleague who can provide support.

If immediate suspension is considered necessary, the rationale for this should be agreed and record. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.

d) No case to answer

The process of sharing information and its evaluation may lead to the decision, in consultation with the LADO, that there is no case to answer and therefore no further action will be taken against the member of staff facing the allegation or concern. In such circumstances, the decision and associated reasons will be recorded by the case officer and the LADO, who will agree on the content of a letter to the member of staff, setting out the relevant details. Details of the action to be taken with regard to the member of staff, for example appropriate support, and in respect of the individual/s who made the initial allegation, will also be discussed and agreed in accordance with the confidentiality provisions referred to below.

d) The investigation process

Where the process outlined above leads to a conclusion that there is a case to answer, an investigation process will be required.

The case officer should already have informed the member of staff regarding the allegations against them following consultation with the Designated Officer. The member of staff will be provided with as much information as possible at that time, subject to advice from the Designated Officer on what information the school is permitted to disclose. Individuals should be given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.

If the allegation is 'not demonstrably false or unfounded', and the school has cause to suspect a child or young person is suffering or is likely to suffer significant harm, the case officer, in consultation with the LADO may convene a 'strategy discussion' involving the appropriate agencies. Where an allegation concerns physical contact, the agencies will take into account the staff member's entitlement to use reasonable force to control or restrain students in certain circumstances.

Where it is clear that an investigation by the police or the children's social care services is unnecessary, or the strategy discussion (see above) agrees that is the case, the case officer will agree with the LADO the appropriate way forward. In most cases this will involve the application of the investigation process set out in the school's disciplinary procedures.

e) Keeping the member of staff informed and supported

During the investigation, the member of staff will be provided with a named contact at the school, appointed by the case officer. The named contact will keep the member of staff informed of progress in relation to the case and will monitor the support arrangements in place and recommend additional or alternative support as necessary.

In cases of suspension, contact with the suspended individual will take place according to timescales to be set out at the start of the investigation and must include relevant updates on work-related issues. A member of staff who is the subject of allegations will not be prevented from having social contact with colleagues and friends, unless there is evidence to suggest that such contact may be prejudicial to the investigation process. Support will be offered by way of occupational health or other arrangements as appropriate.

f) Supporting parents and the child affected

Parents or carers of a student or child or students or children involved will be notified regarding the allegation as soon as possible where they are not already aware of the matter. Due regard will be given to the need for a strategy discussion as appropriate, or the agreed involvement of other agencies, and the level of disclosure of details must be in accordance with DFE statutory guidance.

Parents or carers will be kept informed through an agreed named contact regarding the progress of the investigation, any relevant decisions made regarding the process and, in confidence, the outcome where there is no criminal prosecution. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed.

The named contact will make parents and carers aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

In circumstances where it is believed that a child or young person may have suffered significant harm, or there may be a criminal prosecution, the LADO will liaise with appropriate agencies to consider what support the child or children involved may need. This need will also be highlighted to the LADO by the Headteacher.

g) Malicious allegations

Details of allegations that are investigated and found to be malicious or unsubstantiated will be removed from personnel records and no reference will be made to the matter in employer references. Students who are found to have made malicious allegations will be considered in breach of the school's behaviour policy. This will be treated as a serious matter and the appropriate sanctions will be applied.

School staff can be vulnerable to allegations of abuse and it is acknowledged that the allegations may be untrue. However, children and young people sometimes make allegations to draw attention to problems experienced elsewhere in their lives. If an allegation is determined to be unfounded or malicious, the LADO must refer the matter as appropriate in order to determine whether the child concerned is in need of services, or whether they have been abused by someone else. In such circumstances, the case officer and/or the headteacher will discuss this matter with the LADO to ensure the appropriate action is taken.

h) Determining the outcome of an investigation into an allegation

In determining the outcome of an investigation into an allegation, the following definitions will be used in accordance with DfE guidance.

<i>Substantiated</i>	There is sufficient identifiable evidence to prove the allegation
<i>False</i>	There is sufficient evidence to disprove the allegation.
<i>Malicious</i>	There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
<i>Unfounded</i>	There is no evidence or proper basis which supports the allegation being made. The person making the allegation may have misinterpreted the incident, was mistaken about what they saw, or may not have been aware of all the circumstances.
<i>Unsubstantiated</i>	There is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Full details of a substantiated allegation, how it was followed up and resolved, and a summary of the action taken and decisions reached will be retained on the confidential personnel file of the member of staff, and s/he will be provided with a copy.

The purpose of the record is to enable the provision of accurate information in response to any future request for an employer's reference. It may also be required where future DBS disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it may help to prevent unnecessary re-investigation should a future allegation be made.

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

i) Timescales

In consultation with the LADO, the school will endeavor to meet the following timescales:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within **5 working days**.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within **3 working days**.
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within **15 working days**.

In circumstances where it is not possible to meet these timescales, an explanation will be provided to the individual against whom the allegations are being made.

5. Further specific actions

a) Action following a criminal investigation or prosecution

The case officer will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

b) Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case officer will discuss with the LADO whether to make a referral to the DBS for consideration of inclusion on the barred lists.

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.

If the individual concerned is a member of teaching staff, the case officer will discuss with the LADO whether to refer the matter to the Teaching Regulation Agency for consideration of prohibiting the individual from teaching.

c) Individuals returning to work after suspension

Where a member of staff has been suspended and the conclusion of the investigation is that they can return to work, the case officer, in consultation with the Headteacher (where the Headteacher is not the case officer) will consider how best to facilitate the return to work.

A meeting will be arranged with the member of staff concerned to agree how best this can be achieved and to understand what support will assist them in returning to the workplace. Depending on the individual's circumstances, a phased return to work or the provision of a mentor to provide support may be helpful.

The case officer will also consider how best to manage the individual's contact with the student(s) who made the allegation, if they are still attending the school.

d) Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the Headteacher, or other appropriate person in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the student(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a student at the school.

d) Resignation during an investigation

Should an employee resign during an investigation following an allegation, the school will proceed with the investigation process and every effort will be made to reach a conclusion, even in circumstances where the employee refuses to co-operate. However, the employee will be given the opportunity to remain fully involved in the process and to answer the allegation.

It may be difficult to reach a conclusion in circumstances where a member of staff resigns during an investigation, and it may not be possible to apply disciplinary sanctions if their period of notice expires before completion of the process. Nevertheless, it is important to reach and record a conclusion wherever possible.

e) Allegations leading to a criminal investigation or a prosecution

The police or the crown prosecution service should inform the school and the LADO immediately when a criminal investigation and any subsequent trial is complete, if an investigation is closed without charge, or if there will be no prosecution after the person has been charged.

In such circumstances, the case manager will discuss with the LADO whether any further action, including disciplinary action, is required and agreement will be reached as to how to proceed drawing on information received by the police and/or children's social care services to inform the decision.

6. Confidentiality

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Legislation regarding reporting restrictions will be adhered to at all times, in particular the reporting restrictions under the Education Act 2011 preventing the publication of material that may lead to an accused teacher being identified until the accused is charged with an offence. The legislation imposing restrictions makes clear that 'publication' of material is prohibited that may lead to the identification of a teacher who is the subject of the allegation. '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'.

The case officer will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises.

7. Record-keeping

The case officer will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. The school will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

8. References

Should an allegation or allegations prove false, unsubstantiated, unfounded or malicious it/they will not be referred to in employer references. Additionally, the history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc should also not be included in any reference.

9. Settlement agreements

Settlement agreements will not be used in circumstances where an allegation relates to abuse of a child. Such an agreement will not prevent a thorough police investigation where that is appropriate and it cannot override the governing board's statutory duty to make a referral to the disclosure and barring service (DBS) where this is required.

9. Learning lessons

After any cases where the allegations are substantiated, the school will review the circumstances of the case with the LADO to determine whether there are any improvements can be made to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated.

10. Monitoring and evaluation

The implementation and effectiveness of this policy will be monitored by the Governors' Students, Staff and Community Committee.

Approved by the Headteacher: March 2022

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