

ST BERNARD'S CATHOLIC GRAMMAR SCHOOL

MANAGING ALLEGATIONS OF ABUSE AGAINST STAFF AND VOLUNTEERS POLICY

Introduction

The Governing Body of St Bernard's Catholic Grammar School recognises its collective responsibility to safeguard and protect the welfare of children and young people in accordance with its statutory responsibility. It is essential that any allegation of abuse made against a teacher, other member of staff or volunteer in an education setting 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. Thus, the procedures outlined in this policy will be followed alongside the School's Complaints Procedure and Child Protection Policy.

This policy will be used in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used in respect of all cases in which it is alleged that a member of staff in the school (including a volunteer) has:

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

This policy should be read in conjunction with the School's Staff Code of Conduct, Restrictive Physical Intervention Policy, Disciplinary Procedures and its policy for Raising Concerns, which include additional procedures relating to allegations against staff which relate to matters of professional misconduct and which are unrelated to matters of abuse towards pupils.

Principles

The School recognises the importance of having procedures for dealing with allegations of abuse; these procedures are in accordance with the statutory guidance from the DFE 'Keeping Children Safe in Education' (Jan 2021). All staff and volunteers understand what actions to take, should they receive an allegation against another member of staff or volunteer or they themselves have concerns regarding the behaviour of another member of staff or volunteer.

This procedure and guidance makes it clear that:

- All allegations should be reported as soon as they become apparent to the Designated Lead for Child Protection (DSL - Mike Tomlinson), or Deputy Designated Lead for Child Protection (Diana Seagrove) in the absence of the DSL. The Headteacher, or in the case of the Headteacher being the subject, the Chair of Governors, should discuss the allegation immediately with the designated officers;
- All school staff will maintain confidentiality, and every effort will be made to guard against unwanted publicity while an allegation is being investigated;
- It is in everyone's interest to resolve cases as quickly as possible;
- Investigations will be fair and thorough;

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

An allegation may require consideration from any of the following:

- Guidance from the Designated Officer for the Local Authority (LADO) – they should always be informed of any allegation of abuse made against staff or volunteers;
- A police investigation of a possible criminal offence;
- Enquires and assessment by children's social care 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;
- Some cases will need to be reported to Independent Safeguarding Authority or the General Teaching Council.

The DSL (or appointed case manager), Headteacher or Chair of Governors should take advice from the relevant aforementioned agencies 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.

Reporting an Allegation

An allegation of abuse made against a member of staff or volunteer should be reported immediately to the Designated Lead for Child Protection (DSL - Mike Tomlinson), or Deputy Designated Lead for Child Protection (Diana Seagrove) in the absence of the DSL. The Headteacher, or in the case of the Headteacher being the subject, the Chair of Governors, will discuss the allegation immediately with the designated officers. The Governing Body must recognise the requirement for the sharing of information in accordance with DFE guidance, because the need to promote the welfare and protect the safety of the students is paramount.

The Safeguarding Partners for Slough holds statutory functions which include developing local safeguarding policy and procedures, scrutinising local arrangements and the investigation of allegations concerning persons who work with children.

Should an allegation be made against a member of staff, the school should immediately notify the LADO for child protection. The allegation must be reported in accordance with the procedures identified below and the initial contact with the LADO will be made by the Headteacher, the school's Designated Lead for Child Protection or the Chair of Governors.

The LADO will provide oversight of the individual case, advising and providing guidance to the school in specific matters, including liaising with the police where necessary. The LADO should be informed within one working day of all allegations which have come to the school's attention or which have been made directly to the police, and which relate to the criteria above.

The LADO for Slough:

Sandra Davies
01752 477321

The Procedure

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 her/his representative where applicable. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent manner, so that provides effective protection for the student(s) involved and at the same time supports the person who is the subject of the allegation.

Priority will be given to ensuring that a resolution to the allegation is reached as soon as possible. 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 within one month where possible.

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

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

In the first instance, the DSL will discuss immediately the allegation with the Headteacher, or where the Headteacher is the subject of the allegation, the Chair of Governors. The purpose of this initial discussion is to consider the nature, content and context of the allegation and agree a course of action. It may be decided that relevant additional information needs to be obtained, such as previous history, whether the student or their family have made similar allegations previously and the subject of the allegation's current contact with children.

The school will immediately appoint a case officer, normally the DSL or Deputy, 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 LADO should be informed immediately and advice will be sought regarding contact with the appropriate local agencies. There may be situations when it is imperative to involve the police immediately, for example if the subject of the allegation is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the initial discussion of the allegations should help determine whether police involvement is necessary.

Following the initial contact with the LADO, the case officer will 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. Contact with the member of staff accused must be made as soon as reasonably practicable following consultation with the LADO. In response to an allegation, the Governing Body will consider all alternative options before taking any decision to suspend a member of staff. Suspension is not considered the default option and such action will only 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 child or children concerned.
- Providing an assistant to be present when the member of staff has contact with children.
- Redeploying to alternative work in the school so the member of staff 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 clear this is not a punishment and parents have been consulted.
- Temporarily redeploying the member of staff to another role in a different location.

Action will be taken in response to the allegation with due regard to the procedures identified within the school's disciplinary policy. The member of staff against which the allegation is made will be provided with details in writing of the action taken, including suspension if deemed appropriate, and setting out the reasons and justification for the decision.

The process of sharing information and its evaluation may lead the school, in consultation with the LADO, to the decision 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.

Where it is clear an allegation is unfounded or malicious, the school will aim to resolve the matter within one week.

The investigation process

The process of sharing information and its evaluation may lead the school, in consultation with the LADO, to the decision 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. Where it is clear an allegation is unfounded or malicious, the school will aim to resolve the matter within one week.

Where the process of information sharing as specified above leads to a conclusion that there is a case to answer, an investigation process will be required.

The case officer will inform the member of staff regarding the allegations against her/him as soon as possible and following consultation with the LADO.

The member of staff will be provided with as much information as possible at that time. Advice should be sought from the LADO on what information the school is permitted to disclose to the member of staff, based on the agreement of any other agencies involved. 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 is suffering or is likely to suffer significant harm, the case officer, in consultation with the LADO will 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 pupils 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 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 within the school's disciplinary procedures (please refer to the school's disciplinary policy for further details).

Supporting Those Involved

The Governing Body have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the subject of the allegation is vital to fulfilling this duty. Individuals should 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 children's social care services or the police. The subject of the allegation should be advised to contact their trade union representative, if they have one, or a colleague for support.

During the investigation, a process will be adopted to ensure that the member of staff who is the subject of the allegations is kept informed. In cases of suspension, this will include the provision of a named contact at the school, appointed by the case officer, in order to facilitate communication throughout the investigation. Contact with the suspended employee will take place according to the timescales to be set out at the start of the investigation and this must include relevant updates on work-related issues. Similar arrangements will be made by the case officer to appoint a contact to liaise with a member of staff who has remained in the workplace during the investigation. 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.

The member of staff who is the subject of the 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 local welfare arrangements as appropriate.

Parents or 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 children's social care services need to be involved, the parents/carers will not be informed until those agencies have been consulted and have agreed what information can be disclosed. 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 and careful consideration must be given to the relevant provisions of the Human Rights Act 1998 and the Data Protection Act 2018.

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. Should parents or carers wish to apply to the court for the removal of reporting restrictions, they will be advised to obtain legal advice.

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

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.

Pupils 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. The DSL will liaise with the LADO to consider referral of the matter to children's social care to determine whether the child concerned is in need of services or may have been abused by someone else.

Confidentiality

It is extremely important that on receipt of an allegation, that every effort to maintain confidentiality and guard against unwanted publicity is made 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 the accused being identified until the accused is charged with an offence. 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'.

The reporting restrictions apply until the point that the subject of the allegation 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 cease to apply if the subject of the allegation 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 restriction in response to a request to do so.

The DSL, Headteacher or Chair of Governors will take advice from the aforementioned relevant agencies 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, breaches of confidentiality or gossip.

Resignation during the investigation

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

Settlement agreements

Settlement agreements will not be used in circumstances where an allegation relates to abuse of a pupil. 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.

Employer 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. will also not be included in any reference.

Allegations leading to a criminal investigation or a prosecution

The police or the crown prosecution service (CPS) 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 DSL will discuss with the LADO whether any further action, including disciplinary action, is required and agreement will be reached as to how to proceed. Information received by the police and/or children's social care services will be relied upon in order to inform the decision.

Action on conclusion of a case

Should the allegation be substantiated and the employee dismissed, or they resign, the LADO, the Headteacher or DSL and the school's HR adviser will discuss and agree whether to refer the case to the DBS for consideration of inclusion on the barred lists, or to refer the matter to the Teaching Agency.

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.

Professional misconduct cases should be referred to the relevant regulatory body and the referral will be made as soon as possible after the removal, or the resignation, of the member of staff involved.

Returning to work

Where a member of staff has been suspended and the conclusion of the investigation is that they can return to work, the DSL/case officer, in consultation with the Headteacher, 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 following this stressful experience.

Record Keeping

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the confidential personnel file of the accused, 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. In addition, it will help prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

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

Timescales

It is in the interest of all to resolve cases as quickly as possible whilst ensuring a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. It is expected that:

- for those cases where it is clear immediately that the allegation is unsubstantiated or malicious, that they will be resolved within one week.
- 80 per cent of cases will be resolved within one month
- 90 per cent of cases will be resolved within three months
- all but the most exceptional cases should be completed within 12 months.

The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Headteacher to deal with the matter, following the discussion with the DSL. In such cases, if the nature of the allegation does

not require formal disciplinary action, the appropriate action will be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.

Oversight and monitoring

The Headteacher and the DSL have overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Partners on the subject. The DSL will provide advice and guidance to the Headteacher; either will liaise with the police and other agencies as appropriate, and both will monitor the progress of cases to ensure that they are dealt with as quickly as possible whilst ensuring a fair and thorough process. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If the strategy discussion or initial assessment decides that a police investigation is required, the police will set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, this review will take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues. The police will also identify officers who will be responsible for:

- liaising with the Headteacher or DSL;
- taking part in the strategy discussion or initial evaluation; and
- sharing information on completion of the investigation or any prosecution.

Suspension

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Headteacher to consider suspending the subject of the allegation until the case is resolved. Suspension will not be an automatic response when an allegation is reported; all options to avoid suspension will be considered prior to taking that step. If the Headteacher or Designated Lead is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the police; but suspension is highly unlikely to be justified on the basis of such concerns alone.

The Headteacher and Designated Lead should consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. The Headteacher should also consider the potential permanent damage to the professional reputation of the employee that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended. If the Designated Lead, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the Headteacher will be as inventive as possible to avoid suspension.

Suspension will be considered only in a case where there is cause to suspect a child or other children at the school are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful consideration as to whether the circumstances warrant suspension from contact with children at

the school or until the allegation is resolved. In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school it will be necessary to immediately suspend that person from teaching pending the findings of the TRA (Teaching Regulation Agency) investigation.

Based on assessment of risk, the following alternatives will be considered by the Headteacher before suspending a member of staff:

- 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(ren) to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment; this will follow consultation with the parents;
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the local authority.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation, depending upon the nature of the allegation.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Headteacher and the Designated Lead; this will also include what alternatives to suspension were considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension.

Neither children's social care services nor the police can force the Headteacher to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the Headteacher and the Governors. However, where an initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the Headteacher (or the Designated Lead for Child Protection in the absence of the Headteacher) or in the case of the Headteacher being the subject, the Chair of Governors will canvass police and children's social care services for views about whether the subject of the allegation needs to be suspended from contact with children. These views will help to inform the school's consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision will be made on a case-by-case basis having undertaken a risk assessment.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Chair of Governors, the Designated Governor for Child Protection, the Headteacher and the DSL will review the circumstances of the case 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 will include issues arising from the decision to suspend the member of staff, the duration of the suspension and

whether or not suspension was justified. If the individual was subsequently reinstated, consideration will be given to how future investigations of a similar nature could be carried out without suspending the individual.

Agreed by the Leadership Committee: 10/2/2021

Next Review: February 2023

Appendix 1

What is relevant conduct?

In simple terms relevant conduct is conduct (i.e. an action or inaction / neglect) that has harmed a child or vulnerable adult or put them at risk of harm. In other words it is something a person has done that has caused harm or posed a risk of harm to a child or vulnerable adult. Further details are outlined below.

What is the harm test?

In simple terms, a person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. In other words it is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.

Further details are outlined below:

Child - a person aged under 18 years.

Vulnerable Adult - a person aged 18 years or over who is being provided with or receiving a service or activity that is a regulated activity.

Relevant conduct in relation to children

Conduct which:

- endangers a child or is likely to endanger a child
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child

A person's conduct endangers a child if they:

- 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

The harm test in relation to children

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

Relevant conduct in relation to adults:

Conduct which:

- endangers a vulnerable adult or is likely to endanger a vulnerable adult
- if repeated against or in relation to a vulnerable adult would endanger the vulnerable adult or be likely to endanger the vulnerable adult
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a vulnerable adult

A person's conduct endangers a vulnerable adult if they:

- harm a vulnerable adult
- cause a vulnerable adult to be harmed
- put a vulnerable adult at risk of harm
- attempt to harm a vulnerable adult
- incite another to harm a vulnerable adult

The harm test in relation to adults

A person satisfies the harm test if they may:

- harm a vulnerable adult
- cause a vulnerable adult to be harmed
- put a vulnerable adult at risk of harm

- attempt to harm a vulnerable adult
- incite another to harm a vulnerable adult.

Appendix 2

NOTES FOR THE GOVERNING BODY

General

Any instance of a pupil being abused by a member of staff is particularly serious. Equally, should an innocent person be subject to investigation, possible suspension and/or the threat of arrest, this is an extremely stressful and serious ordeal, which may lead to long term damage to the person's health and career. Any allegation must be fair and dealt with as quickly as possible.

Resignation during investigation (see relevant section of policy)

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 her/his period of notice expires before completion of the process. Nevertheless, it is important to reach and record a conclusion wherever possible.

Determining the outcome of an investigation into an allegation – Record Keeping

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.

Suspension

Children's social care services or the police cannot require the governing board to suspend a member of staff or a volunteer, although the school should give appropriate consideration to their advice. The power to suspend is vested in the governing board of the school. Police involvement does not make it mandatory to suspend a member of staff and decisions should be taken on a case-by-case basis and with due regard to assessment of risk.

Disclosure and barring service (DBS)

Reporting a matter to the DBS does not mean the person will be automatically barred from working with children and vulnerable adults. Responsibility for reporting an individual to the DBS extends to a situation where the person has chosen to cease their employment in circumstances where they would have been removed had they not done so.

An organisation is breaking the law if it knowingly employs someone who is barred.

Returning to work (see relevant section of policy)

Depending on the individual's circumstances, a phased return to work or the provision of a mentor to provide support may be helpful. The school should also consider any contact the member of staff may have with the child or children who made the allegation and how this can be best managed.

Monitoring

At the conclusion of an investigation process, the school should take the opportunity to review the circumstances and the process in order to establish whether improvements could be made to the procedures to help prevent similar events in the future, and to ensure future procedures are fit for purpose.

Unfounded or malicious allegations

Staff can be vulnerable to allegations of abuse and it is acknowledged that the allegations may be untrue. However, schools should remain aware that 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 school is advised to discuss this matter with the LADO to ensure the appropriate action is taken.

