



ALLEGATIONS AGAINST A MEMBER OF STAFF POLICY

This policy is informed by the Christian values which are the basis for all of CDAT's work and any actions taken under this policy will reflect this.

'Blessed are those who act justly, who always do what is right'

Psalm 106:3

1. General Principles

In accordance with this guidance, the following procedure will be implemented where an allegation is made against anyone who works with children at St Matthew's that s/he:

- has behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or in relation to a child;
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children or where
- concerns arise about the person's behaviour with regard to his/her own children;
- significant concerns arise about the behaviour in the private or community life of a staff member, their partner, a member of the family or other household member.

In the latter two instances, it is highly unlikely that investigation by the school (or trust) would be the appropriate way to proceed, and any such concerns would be dealt with through referral to the LADO. The expectation that teachers will uphold high standards of behaviour outside of school is established in the Teachers' Standards document (reference below): "Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school."

2. Key Documentation

The following is the key documentation that supports the principles and practice outlined in this policy:

Working Together to Safeguard Children:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

Keeping Children Safe in Education:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912592/Keeping_children_safe_in_education_Sep_2020.pdf

Teachers' Standards:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/665520/Teachers_Standards.pdf

3. Initial Allegation made to the School

Any allegation of abuse by a member of staff against a pupil must be reported to the school's Designated Officer, or in their absence, the Headteacher immediately. Should the initial allegation first be made to any other member of staff, then that member of staff must either request the person raising the allegation to report it to the Headteacher or, if that is not possible, themselves pass details of the allegation to the Headteacher immediately.

Should the allegation be made against the Headteacher then this should be brought to the attention of the Chief Executive Officer of CDAT immediately. In such cases where the policy refers to the involvement of the Headteacher then 'the CEO of CDAT' should be substituted for 'the Headteacher'.

Allegations may be received in a variety of ways, including:

- Direct complaint by a pupil to another staff member or Headteacher;
- Direct complaint by a parent/carer to another staff member or teacher;
- Concerns raised by parties who may have been told about or witnessed abuse;
- Anonymous referral.

4. Initial Allegation made in another way

There may be times when an allegation is received in a different way – for example: direct contact by parent/carer to the local authority, a complaint to the LA assessment team or police, to Ofsted or directly to the trust's central office.

If the person receiving the referral/complaint is unsure of the correct initial course of action, they should immediately contact the CDAT CEO via the trust's central office.

5. Immediate Response to the Allegation

If the allegation is made by a pupil, they should not be left alone or with other pupils until there have been consultations with the school's Designated Officer and a course of action agreed, including the appropriateness of the pupil remaining in the school.

The member of staff receiving the complaint must not seek to investigate the allegation themselves or interview pupils.

Where possible, details of the allegation should be obtained in writing, signed and dated by the person receiving the allegation and the pupil or person who is making the allegation. The statement can either be completed by the individual or on their behalf but all statements must be countersigned by the person giving the statement as a true record.

Should the allegation meet any of the following criteria then the Headteacher will report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received:

That a teacher or member of staff (including a volunteer) in the school has:

- behaved in a way that has harmed a pupil, or may have harmed a pupil;
- possibly committed a criminal offence against or related to a pupil;
- behaved towards a pupil or pupils in a way that indicates s/he is unsuitable to work with children.

CDAT must be informed.

Where the allegation does not meet any of the criteria listed above and does not involve a criminal offence then the allegation is dealt with under section 4.

Contact details for the Local Authority Designated Officer (LADO) are available from your Local Safeguarding Children Board.

6. Initial Consideration of Allegation

Where the allegation meets any of the criteria listed in section 3 above then the Headteacher or the designated person will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The Headteacher will not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. In these circumstances, St Matthew's will not act before receiving advice from the LADO on the appropriate action that needs to be taken.

If the allegation is not patently false and there is cause to suspect that a pupil may be suffering or is likely to suffer significant harm, the LADO will make the decision whether or not a strategy meeting will be held, in accordance with Working Together to Safeguard Children. In these circumstances the strategy discussion will be led by the LADO who will also invite representation from St Matthew's.

If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO may inform the police and convene a similar discussion to decide whether a police investigation is needed. The discussion will also involve the school and any other agencies involved with the pupil.

The individual(s) implicated by the allegation/concern 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 the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. The trust (as employers) and school have a duty of care to the individual and must ensure that they are treated fairly and with due consideration throughout the process.

7. Action Following Initial Consideration

Where the initial consideration decides that the allegation does not involve any of the criteria in section 3 and does not involve a possible criminal offence, it will be for the school to deal with under its internal procedures. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher will instigate appropriate action 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.

The table below outlines the authority to act in this situation (LGB is the Local Governing Body of the school)

Formal action concerning	Authority to suspend an employee	Carry out an Investigation	Chair a hearing where the possible outcome is not dismissal	Chair an appeal hearing (except where the employee was dismissed)	Chair a hearing where a possible outcome is dismissal	Chair an appeal hearing where the employee has been dismissed
All employees except Headteacher	Headteacher	Either the Headteacher or an employee authorised by them of at least line management level	Headteacher if not previously involved or a Panel of three from the LGB	Panel of three from the LGB who have not previously been involved.	Panel of three, two from the LGB and one CDAT Director	Panel of three, two from the LGB and one CDAT Director who have not previously been involved
Headteacher	Chair of Governors in consultation with CDAT CEO	A Governor from the LGB	Panel of three from the LGB	Panel of three from the LGB who have not previously been involved	Panel of three, two from the LGB and one CDAT Director	Panel of three, two from the LGB and one CDAT Director who have not previously

						been involved
--	--	--	--	--	--	---------------

Where further investigation is required to inform consideration of disciplinary action, the Headteacher will determine who will undertake this. This person will be the Investigating Officer. The Investigating Officer will be a member of the Senior Leadership Team who has had no previous involvement in the case. If no such person is available, the Headteacher will decide who is the most appropriate person to carry out the investigation.

Where the Headteacher is the subject of the investigation, responsibility for organising the investigation passes to the Chair of the Local Governing Body. They may choose to act as Investigating Officer themselves, or appoint another governor to take on that role.

Where the investigation is to be conducted internally for inappropriate behaviour the Investigating Officer will:

- define the areas to be investigated;
- draw up a provisional list of those to be interviewed and the content for discussion. This will include firstly interviewing the alleged victim and any witnesses. If the incident occurred in a classroom then a random selection of pupils will be interviewed, if appropriate;
- check potentially corroborative evidence;
- assess the credibility of the person making the allegation. In doing so, consideration should be given to the issues of listening to young people, treating each allegation seriously and professionally and ensuring that the person does not feel intimidated in making the allegation.

If, at any point, the Investigating Officer becomes aware that there may be child protection issues emerging the investigation will be halted and referred, under the child protection procedures, directly to the Local Authority and the LADO informed.

The Investigating Officer will provide a report to the Headteacher within ten working days. Where it is the Headteacher who is being investigated, the Investigating Officer will report directly to the CEO of CDAT.

On receipt of the report of the disciplinary investigation, the Headteacher (or CEO, if it is the Headteacher being investigated) will decide within two working days whether a disciplinary hearing is needed. If a hearing is needed it will be held within 15 working days. The Headteacher/CEO may decide to further consult the LADO before making his/her decision.

In any case in which Children's Social Care has undertaken enquiries to determine whether the pupil or pupils are in need of protection, the Headteacher will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

It is expected that the LADO will continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

8. Possible Action Following Investigation

No further action

If it is agreed, following investigation, that no further action is required, the Headteacher/Chair of Governors will:

- inform the parent/carer of the pupil, in writing, of the allegation and outcome, i.e. a decision to take no further action or a view that there has been a false allegation;
- where there has been a false allegation, consider with the Safeguarding Officer whether the pupil might have been abused by someone else;
- inform the member of staff, verbally and in writing, that an allegation has been made and that no further action under disciplinary or child protection procedures will be taken. The employee may have a workplace colleague or representative present during this discussion;
- consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take. Make arrangements to offer such appropriate support to the employee;
- consider appropriate counselling and support for the pupil and parent/carer, particularly where a false or malicious allegation has been made. The need for appropriate disciplinary action against the pupil should be considered at this stage. Otherwise, determine whether the pupil needs further support or whether the allegation could be an indicator of other concerns (e.g. abuse elsewhere);
- prepare a report, to be copied to the employee, giving reasons for the conclusion that the allegation is without foundation and stating the action taken, as above;

- clearly state on the member of staff's record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary;
- give consideration to what action is required to avoid a repeat of the allegation (e.g. is a planned transfer appropriate?);
- it should be understood that, where a police investigation has been undertaken, the outcome may be that there is 'insufficient evidence to proceed'. It is normal for this to be the only recorded statement made by the police where they have not taken any further action against a person against whom allegations have been made.

Possible inappropriate behaviour

If it is agreed, following investigation by the LADO and the Headteacher and/or representatives of the Local Authority or police, that the matter falls into the category of inappropriate behaviour as opposed to child protection, a timescale will be agreed in which the school will complete an investigation by its Investigating Officer. An agreement will be made as to who will inform the parent/carer of this course of action. The investigation may become part of disciplinary procedures.

Staff interview by the Investigating Officer

The person subject to the allegation will be informed of:

- his/her rights under the school's disciplinary procedures, including the right to representation;
- the allegation and invited to make a statement;
- the right either to respond to the allegation (or decline to respond) and to be represented prior to giving a response.

Full notes will be taken and the member of staff invited to read and sign them as a true record of the interview, a copy of which will be made available to the member of staff.

Persons identified by the member of staff as having relevant information will be added to the list to be interviewed as part of the investigation.

On conclusion of the investigation a report will be produced for the Headteacher and recommendations made in relation to future action. Consideration should be given to the need to refer back to child protection procedures, consider suspension and/or refer the report under disciplinary procedures.

Where disciplinary action is being considered there will be consultation with the Trust Human Resources advisers.

The Headteacher will retain records of the investigation, including statements, in a secure and confidential system.

On consideration of the report the designated officer will write to the parent/carer of the pupil involved and the staff involved informing them of the outcome of the investigation. A copy of both of these letters will be sent to the Headteacher. In some situations, the designated officer for allegations will discuss specific courses of action which may assist in the prevention of similar situations occurring.

Where an investigation is likely to follow child protection or criminal process

Where there are marks/bruising to a pupil, complaints of assault or concerns of a sexual nature then there is a strong possibility that this will be treated as a child protection referral. In such circumstances swift action is vital.

- Where the pupil is injured, medical treatment will need to be considered as a priority;
- Where it is agreed that Child Protection procedures need to be followed the designated person will inform the Headteacher and ask them to notify the employee that an allegation has been made against them and to advise him/her to contact their professional association if appropriate;
- A Child Protection investigation may need an initial investigation by the police or Local Authority or a joint investigation;
- Any such investigation takes precedence to any possible disciplinary issues or action that the school wishes to take;
- The investigation will be undertaken in line with the relevant Safeguarding Children's Board procedures which may include a strategy meeting or strategy discussion including relevant personnel.

Details of the complaint must be regarded as strictly confidential and not to be extended beyond those involved in the investigation to date. The Headteacher is responsible for ensuring that confidentiality is maintained within the school at all times. The CEO of CDAT must be informed.

It may be necessary to hold a strategy meeting prior to the investigation taking place. Under such circumstances, those present would usually be the LADO, Assessment Team Manager or Social Worker, police representative, CDAT Human Resources representative and Headteacher, as appropriate.

Suspension

At the time of discussion with the Local Authority representative, the Headteacher's view will be sought in relation to the risk to other children from the alleged perpetrator.

If the Headteacher has no concerns then the employee should continue working within the school. Provision would need to be made to avoid contact with the victim where possible. Suspension may be used, having due regard to the advice of St Matthew's human resources advisers.

If the Headteacher has concerns about the welfare of the alleged victim or any other pupil then steps will be taken to suspend the employee in accordance with the appropriate disciplinary procedure.

If a Local Authority representative or police have concerns about the safety of others but the Headteacher is not in agreement, they may inform the CEO of CDAT of their concerns and request a revision of the decision.

The Local Authority will liaise with the police and keep the Headteacher informed of the situation.

Actions on completion of the investigation

On completion of the Child Protection investigation there should be a review meeting between appropriate staff in the Local Authority, police, the Headteacher and the school human resources adviser to share findings:

- to consider the possible prosecution of the alleged perpetrator and internal disciplinary procedures;
- to consider communication to the parents.

The LADO will liaise with the Headteacher and others involved in the review to discuss the findings of the investigation with them. It is then for the Headteacher, in consultation with the relevant officers, to determine the appropriate course of any further action. In some circumstances this could lead to disciplinary action. If this is the case, the Headteacher may then liaise with the school's human resources advisers.

The designated person will then write to the alleged perpetrator, parents and Headteacher informing them of the outcome of the investigation.

If the police and/or the Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should, wherever possible, aim to pass all information they have which may be relevant to a disciplinary case to the Headteacher within three working days of the decision. In those circumstances the Headteacher and the LADO should proceed as described above.

In any case in which Children's Social Care has undertaken enquiries to determine whether the pupil or pupils are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school and the Headteacher should request this information.

9. Referral to the Department for Education

If, on conclusion of the case, the school ceases to use the person's services, or the person ceases to provide his or her services, the school should make a referral to the Department for Education is required. If a referral is appropriate the report should be made within one month by the school.

10. Support for the Member of Staff

Being the subject of an allegation is likely to cause distress to the member of staff. It can also cause distress to the wider school community. The Headteacher must advise the employee where to find external support. When a member of staff is suspended the school will also offer a link to a named member of staff to keep them informed of the status of any investigation. Employees will also be advised to seek advice from their professional association if appropriate. The school may offer counselling to the staff member through, for example, an Occupational Health Adviser.

It is important that the member of staff concerned is kept informed of the progress of the process, from being told about initial concerns/allegations (see above) to being given timely notice of further meetings etc. Good communication can help to minimise stress/distress for all parties involved.

11. Allegation against the Headteacher

When the allegation is made about the Headteacher, responsibility for overseeing the allegation passes to the Chair of the Local Governing Body... The Chair of the LGB must liaise with the CEO of CDAT if they receive an allegation against the Headteacher.

The Chair of Governors, in consultation with the CEO of CDAT, will appoint an Investigating Officer (with the support of the human resource advisers as appropriate). The Chair may choose to act as Investigating Officer themselves, or appoint another governor to take on that role. The Chair of Governors will liaise with the LADO to determine whether thresholds for child protection are met.

The Chair or CEO of CDAT will contact the Headteacher to inform them of the allegation.

If the allegation falls into the category of inappropriate behaviour the CEO of CDAT may obtain support from the human resource advisers about how best to proceed.

The CEO of CDAT will consider the need for suspension with the support of the human resource advisers.

12. Supply Teachers

When a supply teacher is contracted to work in the school, the Headteacher should ensure that the supply teacher is made aware of the school's procedure in relation to care and control of pupils, including the use of physical intervention and child protection procedures.

13. The Role of the LGB

Issues relating to allegations are of a confidential nature in accordance with the local authority's Child Protection Procedures and information should only be shared on a 'need to know' basis. For example, it will be appropriate for the Headteacher to share issues about the impact of any allegation on the school community confidentially with the CEO of CDAT.

Other members of CDAT and the LGB will receive a relevant factual statement provided by the human resource advisers to the Trust. It is important that other members of the LGB should neither become involved in, nor have details linked to, the allegations. Any such knowledge would prejudice their possible involvement in any future appropriate action which the LGB or CDAT may be advised to take. In addition, CDAT will not take any action that would prejudice the position of the individual under investigation.

When the allegation refers to the Headteacher, the Chair of the LGB will be involved, as outlined above. When the outcomes of the investigations are known and it is appropriate for the LGB to deal with the matter, the Chair will then decide the course of action to be taken. This will be within the St Matthew's agreed procedures.

No other members of the LGB should be involved in any proceedings before this stage in case they are required for a subsequent disciplinary appeal. In the event of the Chair being unavailable the Vice Chair would be expected to act on behalf of the LGB.

14. Contractors Working in the School

When an allegation is received in relation to a contractor working in the School, it is expected that those issues which are of a child protection nature should be referred to the LADO and/or police.

15. Records

The School must keep documents relating to an investigation and must retain a written record of the outcome. A copy must be sent to the LADO. Where a disciplinary hearing has taken place against an employee, a copy should be retained on the school's confidential personnel file in accordance with the school's staff discipline policy and procedures. Where a pupil has made an allegation, a copy of the statement or record of it must be kept on the section of the pupil's personal file, which is not open to disclosure together with a written record of the outcome of the investigation. If there are criminal or civil proceedings, records may be subject to disclosure; therefore, no assurances can be given of confidentiality. Details of outcomes of disciplinary or criminal investigation may be passed to the human resources advisors.

16. Policy Review

This policy was updated and agreed by the CDAT Board in September 2020. In line with recommended best practice, it will be reviewed again in September 2021.