LOVE, COURAGE & RESPECT

Learning and Achieving Through Love, Courage and Respect

BRIGHSTONE C.E. PRIMARY SCHOOL

Managing Allegations Against Staff

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1. Introduction

Schools are under a duty to promote and safeguard the welfare of children at school and to have regard to guidance issued by the Government. The school accepts the guidance set out in 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children and Keeping Children Safe in Education which sets out the framework for managing cases of allegations of abuse against people who work with children.

The school has a duty of care to their employees. It is essential that any allegation of abuse made against a teacher or other member of staff, volunteer or contractor in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. The procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.

This policy and procedure will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer or contractor) has;

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child; or,
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children. This will include cases of verbal abuse.

All members of staff in the school will be made aware of this policy during induction.

There may be circumstances where we will have to consider an allegation against an individual not directly employed by the school, where our disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business. Whilst the school is not the employer of supply teachers, we will ensure allegations are dealt with properly. In no circumstances will we decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. The Governing body will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. The school will usually take the lead because agencies do 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 do they have all the relevant information required by the LADO as part of the referral process. They should be advised to contact their trade union representative if they have one, or a colleague for support.

Referrals to DBS

There are procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. We recognise this is a legal duty and failure to refer when the criteria are met is a criminal offence.

Any allegation of abuse will be dealt with in a fair and consistent way that provides effective protection for the child and at the same time supports the adult who is the subject of the allegation.

In some circumstances a member of staff will, without prejudice, be asked to take a period of paid leave pending the results of the investigation. Similarly, a volunteer may, without prejudice, be asked to take a period of leave from their voluntary position or a contractor may be asked not to come into the school pending the results of the investigation.

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

Malicious allegations against staff will be investigated and managed by the Headteacher and, if appropriate, a panel of governors.

Staff who are concerned about the conduct of a colleague may worry that they have misunderstood the situation and or wonder whether a report could jeopardise their colleague's career.

All staff must remember that the welfare of a child is paramount. The schools' Safeguarding and Child Protection Policy and Code of Conduct Policy enable staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

All staff must to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – talk to the Headteacher or Deputy Headteacher.

For specific guidance on how to respond to allegations against staff, please refer to ***"Procedures for Managing Allegations against Staff"*** which can be found on the Safeguarding Partners website: https://www.iowscp.org.uk/allegations-against-staff

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

Governors
If an allegation is made against a governor, the school follows their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

2. How concerns arise

Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:

- A direct allegation by a child or a third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In any case, the concern must be reported to the Headteacher immediately unless the allegations are against the Headteacher in which case the allegation should be reported to the Chair of Governors.

As this is a statutory duty we expect all members of staff in the school, where they have concerns, to report them in accordance with this policy.

LOW LEVEL CONCERNS
We promote an 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.

We have a culture in which **all** concerns about adults are shared responsibly and with the DSLs or the Chair of Governors, as appropriate, are recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools from potential false allegations or misunderstandings.

What is a low level concern?
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. 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 inappropriate conduct outside of work; and

• does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

• being over friendly with children;

• having favourites;

• taking photographs of children on their mobile phone;

• engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,

• using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Sharing low-level concerns
The school ensures we have created an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Recording low-level concerns
All low-level concerns should be recorded in writing on the My Concern system or the Concern Form. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Records are reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we decide on a course of action, either through our disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

3. Initial action

The Headteacher or Chair of Governors will ensure they have a full understanding of what is being alleged from the member of staff that reported the allegation or third party and will only speak to the child if it is unavoidable or if it is the child making the allegation.

The Headteacher or Chair of Governors will establish that:

- An allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

The procedures for dealing with allegations will be applied with common sense and judgement. Many cases may well either not meet the criteria set out above in section 1, 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 will be followed to resolve cases without delay.

Some cases will require immediate intervention by the children's social care services and/or police. The Local Authority Designated Officer (LADO) will be informed of all allegations that come to the school's attention and appear to meet the criteria so they can consult with policy and children's social care services as appropriate:

The following definitions will be used when determining the outcome of allegation investigations:

- **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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

The initial response to an allegation

Where the school identifies a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately.

There are two aspects to consider when an allegation is made:
• **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care.
• **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When carrying out the initial investigation with the support of the LADO, we may establish the following information:

• Was the individual in the school or college at the time of the allegations?
• Did the individual, or could they have, come into contact with the child?
• Are there any witnesses?
• Was there any CCTV footage?

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened. If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the case manager is concerned about the welfare of other children in the community or the member of staff's 's family, they should discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children's social care.

Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

No further action
Where the initial discussion leads to no further action, the case manager and the LADO should:
• Record the decision and justification for it; and,
• Agree on what information should be put in writing to the individual concerned and by whom.

Further enquiries
Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss 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's staff.

Where there is a lack of appropriate resource within the school, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator.

The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to the school when considering allegations against adults working with children.

4. Consultation and referral

If the allegation meets any of the criteria set out under section 1, the Headteacher or Chair of Governors must discuss the allegation with the LADO, to consider the nature, content and context of the allegations and agree a course of action. This may include:

- Involving the police
- Involving social care services
- The making of further enquiries and by whom
- The process of informing the parents if they are not already aware of the allegation
- The informing of the accused person and what information may be disclosed.

The initial sharing of information and evaluation may lead to a decision that no further action will be taken in regard to the individual facing the allegation or concern. In this case, school and the LADO will keep appropriate records of this decision and agree upon what action will follow in respect of the individual and those who made the initial allegation.

If it is unclear whether the threshold has been reached the Headteacher or Chair of Governors can consult the MASH Team before a formal referral is made.

5. Strategy meeting

Following the referral to the LADO a strategy meeting may be convened in accordance with the 'Working Together to Safeguard Children' guidance.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries 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.

The Headteacher or Chair of Governors will attend any strategy meeting on behalf of the school and support the actions arising from that meeting.

6. Supporting those involved

The Governors have a duty of care to their employees. They will act to manage and minimise the stress inherent in the allegations process. Support for the individual concerned is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the 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 Headteacher or Chair of Governors will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care will be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

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 Headteacher or Chair of Governors will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

Parents or carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome **in confidence**.

Parents and carers will also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. It is important that the school offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and will not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The school has a duty of care to their employees. They should:
• manage and minimise the stress caused by the allegation;
• inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
• advise the individual to contact their trade union representative, or a colleague for support;
• appoint a named representative to keep the person informed about progress of the case;
• provide access to counselling or medical advice where appropriate.
• not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Parents or carers of the child or children involved should be:
• formally told about the allegation as soon as possible. The case manager will consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
• kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
• made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress

In deciding what information is disclosed, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

7. Suspension

The possible risk of harm to children posed by an accused person will be evaluated and managed in respect of the child(ren) involved in the allegation, and any other children in the accused individual's home, work or community life.

Suspension will be considered in any case where:

- There is a cause to suspect a child or children are at risk of harm
- The allegation warrants formal investigation by the police
- There is a likelihood that evidence may be tampered with, or witnesses intimidated
- The allegation is so serious that it might be grounds for dismissal

The school will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. In deciding whether to suspend a member of staff, the school will consider advice given by the LADO, HR adviser or at a strategy meeting and any risk assessment considering alternatives to suspension. The school will also consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification will be agreed and recorded by both the Headteacher or Chair of Governors and the LADO. This will also include what alternatives have been considered and why they were rejected. Written confirmation of the suspension will be dispatched within one working day, giving as much detail as appropriate for the reasons of the suspension.

Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension. The school will not leave a person who has been suspended without any support. The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the governing body who are the employers. All allegations made against a contractor will be passed onto their employer and the appropriate escalation system followed However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care, and/or an investigation by the police, the LADO should canvass police and children's social care for views about whether the accused member of staff/contractor should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision will be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

Suspension is not an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The case manager **must** consider carefully whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

If the school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school, we will take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. The School has clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

In many cases, an inquiry can be resolved quickly and without the need for suspension. We will decide on whether the individual should continue to work at the School, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

Based on advice from the HR provider and/or a risk analysis drawn up with the LADO, the following alternatives will be considered by the case manager 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 or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made 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 or college or where available, work for the local authority.

8. Resignations and compromise agreements

Where a person under investigation resigns or ceases to provide their services, the investigation into the allegation will still be completed in accordance with the guidance. A referral to the DBS will be made when the relevant criteria are met as referred to in the guidance.

Every effort will be made to reach and record a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

The School will not enter into 'compromise agreements' by which if a person agrees to resign, the school agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.

9. Record keeping

If anyone in the School has any concerns that may lead them to consider that an investigation is required, they must record and report the information to the Headteacher or Chair of Governors as soon as practicable using the appropriate form (Appendix 1).

The Headteacher or Chair of Governors will ensure that:

- A clear and comprehensive summary of any allegations made
- Details of how the allegation was followed up and resolved
- A note of any action taken and decisions reached, is kept on a 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 will be retained under the rules of GDPR and Data Protection Policies.

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

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references.

10. Actions on conclusions of a case

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Headteacher or Chair of Governors will discuss with the LADO and HR adviser whether the school will need to make a referral to the DBS for consideration of inclusion on the barred list and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership to consider prohibiting the individual from teaching.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the school will consider how best to facilitate that. The employee will be offered help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

The definitions that are used when the School determines the outcome of an allegation are set out below:
• **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 or cause harm to the person subject of the allegation;
• **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; or,
• **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Ultimately the options open to the School depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future. Suspension should not be the default position, an individual should be suspended only if there is no reasonable alternative.

If the allegation is substantiated and:
• the person is dismissed; resigns, or otherwise ceases to provide his or her services; or

• the School ceases to use the person's services.

The School has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required:
123 Disclosure and Barring Service – guidance on Referrals to the DBS.
124 Teacher Regulation Agency – guidance on Referrals to the TRA

In the case of a member of teaching staff at the School, the case manager **must** consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching

There is a legal requirement for the School to make a referral to the DBS where they consider 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.

Following a criminal investigation or a prosecution
The police should inform the LADO and the School immediately when:
• a criminal investigation and any subsequent trial is complete;
• it is decided to close an investigation without charge; or,
• it is decided not to continue to prosecute after the person has been charged.

In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Unsubstantiated, unfounded, false or malicious allegations
If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. If a report is shown to be deliberately invented or malicious, the School, will consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

Returning to work
Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience.

Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the School.

Managing the situation and exit arrangements
Resignations and 'settlement agreements'
'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the School agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or the School investigation where that is appropriate.

The School will not cease its investigations if the person leaves, resigns or ceases to provide their services. 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 cooperate.

Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, will continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances the School will sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

Where a settlement/compromise agreement is used, the School will not let it prevent the employer from:
• fulfilling their legal duty to refer cases to the DBS where the referral criteria are met or
• providing a reference to potential employers when requested; or
• considering whether to make a referral to the Teaching Regulations Agency where the criteria are met

Record keeping
Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, the following information will be kept on file:
• a clear and comprehensive summary of the allegation;
• details of how the allegation was followed up and resolved;
• a note of any action taken, and decisions reached and the outcome as categorised above;
• a copy provided to the person concerned, where agreed by children's social care or the police; and,
• a declaration on whether the information will be referred to in any future reference.

The purpose of the 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 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 School has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. All other records will 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.

References
Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious will also not be included in any reference. Substantiated allegations will be included in references, provided that the information is factual and does not include opinions.

Learning lessons
Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the School's procedures to help prevent similar events in the future. This will include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager will consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases, including cases where an allegation was not substantiated, the case manager and members of school staff should consider the facts and determine whether any improvements can be made.

Non recent allegations
Where an adult makes an allegation to the School that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

11. Timescales

The School will endeavour to follow the timescales set out in the guidance for such allegations as long as this is consistent with a fair and thorough investigation. For cases where it is clear that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a criminal offence the school will aim to institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

12. Oversight and monitoring

The School will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations; liaison with the LSCP and managing inter-agency issues.

The School will co-operate in supplying statistical information required by the LADO for DfE returns and LSCP monitoring purposes.

13. Confidentiality

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated and considered. The school is aware of and accepts the reporting restrictions introduced in the Education Act 2011.

No one in the school may provide any information to the press or media or use social media in such a way that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence or when they waive the right themselves by speaking out.

The Headteacher or Chair of Governors will take advice from the LADO, police and children's 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.

In an allegations management meeting or during the initial assessment 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 will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process. This will be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

Children's social care 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 employer without delay.

The reporting restrictions apply until:
•the point that the accused person is charged with a relevant offence; or

•the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation.

The reporting restrictions are disapplied 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 court lifts the reporting restrictions in response to a request to do so.

The legislation prevents the "publication" of material by any person that may lead to the identification of the 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." 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). In circumstances where the School needs to make parents aware about an allegation, they will make parents and others aware that there are restrictions on publishing information.

This policy should be read in conjunction with the school's Child Protection Policy, Data Protection Policy and in line with the GDPR regulations

14. Relevant contact details:

MASH Team
Children's Services Centre
Tel: **01983 823436**

Local Authority Designated Officer (LADO)
Telephone - **01983 823723**
Email – LADO@IOW.gov.uk