

# **St Michael's Church of England Primary School**

## **Policy for the management of an allegation against a member of staff**

Policy produced by Camden

Adopted by [Governors FGB](#)-Academic year  
2020/21

Review by Resources Committee September 2021

## CONTENTS

	Page no:
<b>1. Purpose and scope of policy</b>	<b>2</b>
<b>2. Legal framework</b>	<b>2</b>
<b>3. Principles</b>	<b>3</b>
<b>4. Roles</b>	<b>3</b>
<b>5. Procedures</b>	
5.1 Notification	5
5.2 Initial consideration	5
5.3 Initial strategy meeting	6
5.4 Review strategy meeting	7
5.5 Final outcome of investigations	7
5.6 Police action and criminal proceedings	8
5.7 Disciplinary proceedings	8
5.8 Referral to the Independent Safeguarding Authority	9
5.9 Monitoring and oversight of cases	9
<b>6. Practice issues</b>	
6.1 Allegations involving physical contact	9
6.2 Suspension	10
6.3 Resignations	10
6.4 Unfounded and malicious allegations	11
6.5 Recording and references	11
6.6 Confidentiality and information sharing	11
<b>7. Support for those involved</b>	
7.1 Support for staff	12
7.2 Support for children and parents	12

## 1 Purpose and scope of policy

Schools have a duty to safeguard pupils and create a safe learning environment so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a pupil.

This policy sets out the procedures to be followed by heads of school and governors when dealing with allegations that a member of staff or volunteer 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,
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

As well as covering the four categories of harm and abuse, allegations involving inappropriate relationships with pupils, grooming behaviour on-line, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003 should also be dealt with under this policy.

The policy applies to all school governors, heads of school and staff members within the school, including permanent and temporary staff, supply teachers and volunteers who are currently working at the school even if the allegation involves an incident that happened at another school. Allegations against staff that have since left the school are not dealt with under this policy and should be referred to the police.

If allegations about a staff member's treatment of their own child are raised, the police or local children's social care department where the staff member lives should notify the Camden LADO who will contact the school and the CAIT to explore whether the information raises questions about the person's suitability to work with children.

## 2 Legal framework

All schools must have procedures in place to deal adequately with any allegations made against staff and the procedures must comply with the guidance set out in *Working together to safeguard children* and the statutory guidance “Keeping children safe in education”.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Camden follows the London Safeguarding Children Board child protection procedures for dealing with allegations against staff (section 7) and schools should be aware of their role under these procedures.

[7. Allegations against staff or volunteers, who work with children - London Safeguarding Children Board: Child Protection Procedures](#)

As employers, schools must also ensure that members of all staff against whom an allegation has been made are treated fairly, that they are kept informed of the progress of any investigation or disciplinary process and that they receive support. Allegations should be dealt with in a timely manner and if the member of staff has been suspended pending investigation, there should be a named member of staff responsible for keeping them informed of developments.

## 3 Principles

- The welfare of pupils is paramount; all staff members and volunteers have a duty to take any necessary action to safeguard and promote the pupil's welfare.
- The pupil's welfare must be taken into account throughout the duration of any investigation and appropriate services provided where needed.
- Allegations should be dealt with fairly and quickly and generally resolved within 1-3 months. Only in exceptional circumstances, for example where criminal proceedings are taking place, should allegations take more than 12 months to resolve.
- Allegations should be dealt with by the most efficient method and at an appropriate level, involving agencies such as the police and CSSW only where there is a clear need.

- Parents, pupils and staff should be made aware of this policy so that everyone is clear about how concerns can be raised and what actions are likely to happen when an allegation is made. Pupils should be taught how to protect themselves and who they should approach for help.
- Information should be shared in a timely way but only for the purposes of safeguarding and promoting the welfare of children.
- Those staff members wishing to raise concerns anonymously will be supported through Camden's whistle-blowing procedures.
- All responses should be fair, transparent and balanced and should ensure the safety of children whilst supporting those adults who are the subject of allegations.

#### 4 Roles

Every school must have a named person who is responsible for the management of allegations against staff and to whom allegations and concerns should be reported in the first instance. This will normally be the head of school, a designated governor or the designated safeguarding lead.

Schools should also appoint a deputy to deal with allegations in the named person's absence or in the event that the named person has an allegation made against them. Allegations against heads of school should be referred to the Chair of governors.

Camden has a named Local Authority Designated Officer (LADO) whose role is to oversee the management of all cases involving allegations against staff. However, the day to day management of cases is covered on a rota basis by Independent Reviewing Officers (IROs) based in the Quality Assurance Unit so that there is always a senior social work professional available to provide advice and take any necessary action. Throughout this policy, references to the LADO will mean either the LADO or the IRO who has been allocated the case via the rota.

The LADO will provide advice to schools on individual cases, liaise with Children's Safeguarding and Social Work (CSSW) and the Police Child Abuse Investigation Team (CAIT) where required and monitor and review the progress of cases.

Camden's LADO is: Sophie Kershaw  
**Deputy LADO: John Lawrence-Jones**  
Children's Quality Assurance Unit  
Children's Safeguarding and Social Work  
5 Pancras Square  
London N1(C) 4AG  
Tel: 020 7974 4556

Camden Borough Police CAIT will appoint a responsible officer to oversee police responses for managing allegations, liaising with the LADO on individual cases and ensuring police attendance at meetings and monitoring and reviewing the progress of cases.

Camden Borough Police senior officer is: **DCI Ralph Coates**  
Police Child Abuse Investigation Team (CAIT)  
Holborn Police Station  
10 Lambs Conduit Street  
London WC1N 3NR  
**Tel: 0208 345 0124**  
**Mobile: 07920 710321**  
Email: [Ralph.Coates@met.police.uk](mailto:Ralph.Coates@met.police.uk)

## 5 Procedures

### 5.1 Notification

Allegations may arise following a complaint from a parent or pupil or through concerns raised by other staff members. All allegations must be reported to the responsible person within the school immediately.

A written note of the details of the allegation, including times, dates, locations and the nature of the concern must be agreed with the responsible person. Staff should be aware of the general rule that allegations must not be investigated and pupils should not be promised confidentiality.

The responsible person must notify the Camden LADO within 1 working day of all allegations made against members of staff. The responsible officer should complete the *LADO Agency reporting form* and email this to the LADO mailbox [LADO@camden.gov.uk](mailto:LADO@camden.gov.uk). The referral form is available at:

<https://cscp.org.uk/professionals/managing-allegations-against-staff-and-volunteers-lado>

The LADO will contact the referrer as soon as possible and to discuss the case and decide what action to take.

However, it is recognised that in some emergency situations, schools may have to take immediate action to protect pupils, and may contact the LADO by telephone to discuss the matter to agree urgent action.

## **5.2 Initial action**

Following notification, initial discussions between the school representative and the LADO should look at all the available information about the incident or allegation, the staff member and the child involved (including details of any previous allegations made by the child and their family) and decide if the allegation is serious enough to be dealt with under this policy.

The school representative and the LADO should agree what action to take, which may be:

- referral to the police for a criminal investigation
- referral to CSSW for assessment and possible child protection investigation
- initiation of disciplinary proceedings against the member of staff
- no further action to be taken.

Some cases may not involve harm to pupils and will not require an immediate response from the police or CSSW; in these cases, agreement will be made for the school to deal with the matter under local school policy as a professional standards matter. If following the school's own investigations there are concerns, the school should refer the matter back to the LADO for action to be taken under this policy.

If the case raises serious concerns immediate action will be taken under this policy.

Where action will be taken, the LADO will liaise with the police and CSSW to ensure appropriate referrals are made and that all relevant information is passed on. The LADO and responsible person should also consider:

- if any further information is needed to assist the investigation
- whether any immediate action needs to be taken to protect pupils

- whether parents should be notified of the allegations (although in some cases this will be unavoidable, for example if the child requires medical treatment)
- how the child and their parents will be supported during the process
- whether any regulatory body such as Ofsted needs to be informed of the allegation.

Consideration should also be given to whether the seriousness of the allegations warrants the member of staff being suspended or whether they should continue to have contact with the child involved or any other pupil. See section 6.2 for further guidance on this.

The member of staff should be informed of the allegation and given as much information as possible, unless there are good reasons for not doing so. In cases where a criminal or child protection investigation is possible, the LADO should seek the advice of the police and CSSW regarding what information can be shared.

The school and the LADO should both make a written note of discussions and decisions should be agreed and the reasons for taking any particular course of action noted. This is particularly important in cases where no further action will be taken.

### **5.3 Initial strategy meeting**

If the LADO believes that the pupil has suffered or is at risk of suffering significant harm, a referral will be made to CSSW and a strategy meeting convened to share information and agree on further action.

The meeting will be chaired by the LADO and should be attended by the responsible person from the school, a representative from the police CAIT and any other relevant person or agency, for example a representative from the employment agency supplying a temporary staff member.

The strategy meeting will:

- decide whether or not the pupil has or is likely to suffer significant harm and whether to instigate a child protection and/or criminal investigation which may be jointly conducted between the police and CSSW;
- look at what disciplinary processes should be put in place;



- consider the allegation in the light of any previous allegations or concerns and whether the staff member was acting reasonably in line with the school's behaviour policy (see section 6.1);
- make a decision about suspending the staff member where this is a proportionate response (see section 6.2);
- consider what action should be taken to ensure the safety of the pupil involved and all other pupils;
- agree the plan for investigating the allegation and providing support to the staff member and the child whilst the investigation is on-going;
- agree what information should be shared between agencies and how issues relating to media reporting or containing speculation will be dealt with.

The strategy meeting may consider suspending the member of staff but other alternative arrangements to ensure the member of staff has no contact with the child involved should be considered in the first instance before suspending the staff member.

It is a school decision as to whether or not to suspend the staff member and this should be based on a clear risk assessment and be in accordance with the school's own policies on staff conduct.

However, in cases where there are serious allegations and clear evidence of abuse, the police and CSSW may take alternative action if schools do not follow a recommendation to suspend a staff member.

#### **5.4 Review strategy meeting**

A review strategy meeting should be held within a reasonable timescale in order to review the actions agreed at the initial strategy meeting and agree what further action should be taken.

The review should consider the outcome of any investigations carried out by the police and CSSW and whether there is enough evidence to pursue the allegation further or take action under child protection procedures.

If no further action will be taken by CSSW or the police, the meeting should agree what further steps the school should take to ensure the safety of pupils,

for example what further investigation should be carried out by the school or what action to take with regard to the member of staff involved.

## **5.5 Final outcome of investigations**

Following the review strategy meeting once investigations are completed and final actions decided the possible outcomes are:

- The allegation is substantiated as there is sufficient evidence to pursue the allegation.
- The allegation is malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- The allegation is false: there is sufficient evidence to disprove the allegation.
- The allegation is unsubstantiated: there is insufficient evidence to **either prove or disprove** the allegation.
- The allegation is unfounded: these will be cases where there is no evidence or proper basis which supports the allegation being made.

## **5.6 Police action and criminal proceedings**

The police CAIT should keep the school and the LADO informed of all progress in investigations and proceedings, including any decision to charge or the outcome of trials. These should be discussed with the LADO to decide on any action needed by the school in relation to disciplinary proceedings or decisions on continued employment.

## **5.7 Disciplinary proceedings**

Decisions to follow disciplinary proceedings lies with the school but must be considered in all cases where a criminal or child protection investigation has not been considered necessary or on completion of any criminal proceedings. The school representative should discuss any disciplinary proceedings with the LADO and look at what options are available to deal with the matter.

If a further investigation is required, CSSW and Camden Learning will be able to advise schools on how to undertake the investigation and may be able to provide a suitable council officer to carry out the task if necessary.

The school representative should discuss any disciplinary proceedings with the LADO taking into account any information raised by child protection enquiries, criminal proceedings or the outcome of any trial. This discussion should also look at whether a referral should be made to the Disclosure and Barring Service.

If the staff member concerned is an agency worker or volunteer where disciplinary proceedings are not possible, the school and the LADO should work jointly with the employer or individual to resolve the matter.

If formal disciplinary action will not be required, the head of school should take any appropriate action within 3 working days. Full disciplinary hearings should be held within 15 working days if no further investigation is needed.

If a disciplinary investigation uncovers evidence of significant harm to a child, a referral must be made to CSSW and the disciplinary proceedings suspended until the outcome of any child protection investigation.

### **5.8 Referral to the Disclosure and Barring Service (DBS) and the Teaching Regulation Agency (TRA)**

There is a legal duty on employers to refer any individual to the DBS if it is thought that they pose a risk to children or have harmed a child. The DBS will then make a decision as to whether or not to bar the person from working with children in a regulated activity such as teaching.

As cases move towards conclusion and all information is available, the school and the LADO should discuss whether a referral needs to be made to the DBS. A referral must be made if the allegation is proved and the person has been removed from their post or has resigned prior to being removed.

Where the member of staff is a teacher, the strategy discussion should consider whether a referral should be made to the TRA in order to consider a prohibition from teaching. However the final decision on whether or not to make the referral rests with the school.

### **5.9 Monitoring and oversight of cases**

The LADO will review all cases involving allegations against staff members on a fortnightly basis where the case is complex or on a monthly basis for more straightforward cases. This is to ensure that cases are dealt with efficiently and within prescribed timescales.

The responsible police officer in CAIT will review all cases in criminal proceedings that involve allegations against staff members and will pass on

information to the school and the LADO regarding progress of investigations and prosecutions. Cases must be reviewed within 4 weeks of any decision to refer the matter to the police and then at fortnightly intervals.

Once cases have been resolved, the responsible person should review the events in order to identify any issues and decide whether school procedures or practices need to be updated or improved so that similar incidents can be prevented or responses improved in the future.

## **6 Practice issues**

### **6.1 Allegations involving physical contact**

Heads of school and governors will be aware that for some teachers, for example music and PE teachers, physical contact with a pupil is unavoidable and necessary in order to teach the subject. Guidance on this is available in the schools safeguarding and child protection model policy available at: <https://cscp.org.uk/professionals/schools-and-nurseries-safeguarding-policies/>

Further, teachers can use reasonable force in order to control or restrain a pupil in specific circumstances. Schools should refer to Camden's guidance on the use of physical restraint and intervention available at: <https://cscp.org.uk/professionals/schools-and-nurseries-safeguarding-policies/>

These factors must be taken into account at all stages of the process, from initial consideration and strategy discussion. In particular, it must be demonstrated that any contact that has taken place is within the boundaries set out by local safe working practices and agreed procedures for the use of physical restraint.

It is important that staff are provided with and follow school guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

### **6.2 Suspension**

Suspension should not be an automatic outcome of any allegation but used only where there is no alternative following a risk assessment and having considered other alternative ways of reducing harm.

Schools should consider the effect of suspension on the member of staff and be mindful that suspension will normally only be justified where there is a risk of significant harm to pupils, a police investigation is likely to be carried out or

the allegation is so serious it would normally warrant immediate dismissal if proved true.

Even in these cases, schools should first consider other ways of managing risk, such as arranging for the member of staff to have limited contact with pupils or ensuring they are constantly supervised.

Decisions on suspension should be based on a robust risk assessment and discussed with the LADO in the first instance. CSSW and the police will be able to advise schools on possible courses of action to safeguard pupils and may make a recommendation on suspension but the final decision will rest with the school. All decisions on suspension should continue to be reviewed as new information becomes available during investigation.

If suspension is to be used, the member of staff must be given written confirmation of the decision within 1 working day detailing the reasons and giving the name of the person at the school whom the member of staff can contact for support and information.

Any decision to suspend a member of staff should be recorded by the school and the LADO with reasons given and details of what alternative ways of managing risk other than suspension were considered and why they were rejected.

### **6.3 Resignations**

Full investigations into allegations must proceed even if the person involved resigns as it is important that the matter is properly dealt with and that a resolution or conclusion is reached and appropriate action taken. It is important to decide whether allegations are substantiated and what further action may have to be taken to safeguard children through referral to the Disclosure and Barring Service and the Teaching Regulations Agency even if the staff member involved has left the school.

Schools should not use compromise or settlement agreements that allow a person to resign with a reference in return for not initiating disciplinary proceedings in cases where allegations of abuse of children are involved. As stated above, it is crucial that all allegations are fully investigated and failure to refer to the DBS or TRA when the criteria for doing so are met would be a criminal offence on the part of the school.

### **6.4 Unfounded or malicious allegations**

If an allegation is proved to be unfounded or malicious, the LADO may decide to refer the child to CSSW for assessment as a child in need. Malicious allegations made by pupils may also be dealt with under the school's behaviour policies if this is more appropriate.

## **6.5 Records and references**

All allegations made must be recorded on the individual's personnel file, giving details of the nature of the allegation, actions taken and decisions reached. This is the case even where the allegation is unfounded. However, the exception to this is any allegation that is proved to be malicious; all references to these allegations should be removed from the personnel record. It is important that records show clearly how a resolution to the allegation was reached and that this information is available when references are being written or information sought from future employers. Information should be kept on the personnel file until the person reaches retirement age or for 10 years from the date of the allegation if that is longer.

Allegations that have been found to be false, unsubstantiated, or malicious should not be included in a reference, including any repeated concerns that have been found to be false, unsubstantiated or malicious.

Schools can get further advice from the Information Commissioner guidance available at: <https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&query=employment&profile=default>

## **6.6 Confidentiality and information sharing**

It is essential that confidentiality is maintained whilst any investigation is ongoing and the Police will not make public any details of criminal investigations unless and until the person involved is charged. All those involved, including parents and pupils, must be made aware of the statutory reporting restrictions in place to ensure the identity of the staff member and the victim is not made public. This includes posting information about the allegation on social networking sites.

At the initial discussion, the school representative and the LADO may wish to discuss what information will be shared with whom and what action will be taken to manage any possible breaches of confidentiality or press interest.

In general, information may be shared at the initial discussion and strategy meetings in order to gather as much information as possible to make an informed judgement on what action to take.

Consent must be obtained to share information with third parties, for example police statements or child protection investigations being passed on to schools for the purposes of disciplinary proceedings.

## **7 Support for those involved**

### **7.1 Staff**

Schools have a duty to support staff members who are being investigated following an allegation in order to minimise stress. Staff should be informed as soon as possible about any allegation made and given all information available, subject to advice from the police and CSSW.

Staff should have a named person available to provide support and information, particularly if they have been suspended, and should be given advice on obtaining legal representation and counselling if needed. They should also be told about the process of any investigation and kept informed of the outcomes and progress of these.

A copy of the CSCP information leaflet “Allegations against staff – what happens next?” should be provided to the member of staff. The leaflet is available at <https://cscp.org.uk/wp-content/uploads/2019/06/Allegations-against-staff-what-happens-next.pdf>

Schools should not insist that suspended staff members of staff have no contact with other staff unless there is good reason to believe such contact may interfere with investigations. This is a matter that schools may wish to discuss with the LADO and the Police CAIT.

Schools should also consider the support needs of any member of staff returning to work following suspension once the investigation has been completed.

### **7.2 Children and parents**

The parents of the child should be notified of allegations and given all information available as soon as possible subject to advice from the police and CSSW if there will be an on-going investigation or further action. They should also be kept informed of progress and outcomes of investigations.

Consideration should be given to the impact of the allegation on the child and support put in place. If the child has suffered significant harm or is in need, a referral will be made to CSSW who will assess the child and provide appropriate services and support.

Parents should be informed of any referral to CSSW and their consent sought and should be reminded of the need to maintain confidentiality about the allegation while the matter is under investigation.

### **7.3 Supply teachers**

Schools should be aware that supply teachers and others who are not directly employed by the school will still be subject to these procedures and any allegations made against these staff must be investigated in the same way, even if the school decides to end the staff member's contract of employment.

The school should take the lead in referring the matter and investigating the allegation in partnership with the LADO under these procedures but employment agencies and others are expected to co-operate, and should be invited to the strategy discussion to ensure their role is clarified.

Schools should ensure that supply teachers and others are aware of their right to support from a trade union or colleague during the investigation process.