



Rainford High

MANAGING ALLEGATIONS AGAINST STAFF POLICY

Everyone Matters

We expect our community to be kind, polite and respectful

Everyone Helps

We expect our community to make sensible choices

Everyone Succeeds

We expect our community to work hard

Guidance Owner	Principal
Scope of the Policy	Rainford High
Written/last reviewed	September 2023
Next review due	September 2024
Summary of key changes	No changes

Rainford High

MANAGING ALLEGATIONS AGAINST STAFF POLICY

1 INTRODUCTION: SCOPE AND PURPOSE

- 1.1 Allegations against any person who works with children must be taken seriously. The purpose of this policy is to provide guidance to follow in the event that an allegation has been made against a staff member. This policy aims to follow the guidance contained in the Department for Education's Guidance, *Keeping Children Safe in Education* (2022 and as amended) and HM Government's guidance from *Working Together to Safeguard Children* (July 2018 and as amended).
- 1.2 This policy should be consulted when considering how to manage allegations that may indicate that the person subject of the allegations would pose a risk of harm (in line with the harm test outlined on the Disclosure and Barring service website) if they continue to work closely with children. The policy should be applied where there is an allegation that a person who works with children has:
- a) behaved in a way that has harmed a child, or may have harmed a child;
 - b) possibly committed a criminal offence against or related to a child;
 - c) behaved towards a child or children in a way that indicates the individual may pose a risk of harm to children; or
 - d) behaved or may have behaved in a way that indicates that they may not be suitable to work with children.
- 1.3 This policy must be read in conjunction with Rainford High's disciplinary policy and wider child protection/safeguarding policy.

2 WHO IS COVERED BY THE POLICY?

- 2.1 Safeguarding and promoting the welfare of children is everybody's responsibility. All staff have a responsibility to provide a safe environment in which children can learn. This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time, supply and fixed-term employees (collectively referred to as **employees** in the policy). The policy also applies to supply staff and volunteers.
- 2.2 In the event where an allegation is made against an individual who is not directly employed by the Rainford High (individuals to whom the disciplinary procedure may not fully apply), for example, supply teachers provided by an employment agency, the Rainford High will still ensure that the allegation is dealt with properly. The Rainford High will liaise with the LADO to determine a suitable approach and discussions will be had between the Rainford High and the agency (if applicable) to determine whether it

is appropriate to suspend the supply teacher or redeploy them to another part of the school whilst the allegation is properly investigated. The final decision regarding whether an individual can remain in the Rainford High rest with its senior leaders.

- 2.3 Allegations made against a teacher who is no longer teaching will be referred to the police, along with historical allegations of abuse.

3 WHO IS RESPONSIBLE FOR THE POLICY?

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal of the Academy.

4 THE PROCESS FOR DEALING WITH ALLEGATIONS

- 4.1 The person raising or receiving concern(s) or allegation(s) should do this in line with the Rainford High's safeguarding procedures. This will involve alerting the designated officer(s) of all allegations that come to the school's attention and appear to meet the criteria in section 1.2. The person raising the concerns must do this without delay. Together, the DSL and Principal will determine the next steps to be taken in response to the allegation(s) made.
- 4.2 The LADO will be contacted to discuss the matter and take advice on what steps are necessary. The LADO may determine that the investigation needs to be undertaken at a multi-agency level lead by his/her office. Rainford High will work with the LADO and other third parties until further direction is given.
- 4.3 Should the LADO determine that the allegations should be investigated at a local level, this policy and the disciplinary policy will be followed (as applicable).
- 4.4 Where the allegation concerns the Principal this will be reported to the trust board.
- 4.5 Rainford High has a duty to ensure that any allegation of abuse is dealt with as quickly as possible and this must be done in a fair and consistent way that provides effective protection for the child, whilst at the same time, is supportive of the employee at the subject of the allegation.

5 THE PERSON WHO IS THE SUBJECT OF THE ALLEGATION

- 5.1 Unless a safeguarding strategy discussion or police involvement is required, the case manager should inform the accused person about the allegation as soon as possible after a discussion with the designated officer(s) and provide them with as much information as possible. Where a strategy discussion is needed, or police or children's social care services are required, the case manager should not inform the accused person until the appropriate agencies have been consulted and agreed what information can be disclosed to the accused.

- 5.2 Rainford High will ensure that anybody facing allegation(s) are supported. In the event that an employee is suspended, the academy will provide them with a contact per section 7.

6 INVESTIGATING ALLEGATIONS

- 6.1 There are three potential types of investigation:
- a) By the Local Authority and the Police under s.47 of the Children Act 1989;
 - b) By the police under criminal law; and
 - c) By the Academy in line with this policy and its disciplinary policy and procedures.
- 6.2 If any further investigation into the allegation(s) is required, the Academy and local authority will decide how the investigation will be undertaken and by who, along with determining how much information will be provided to the staff member who is the subject of the allegation. The investigation should be completed as promptly as possible.
- 6.3 Internal investigations will be undertaken by an investigating officer appointed by Principal. Under no circumstances will anybody else commence any investigation, or share information relating to the investigation, without express permission of the Principal.
- 6.4 Where there is a lack of appropriate resource with the Academy or the nature or complexity of the allegation requires it, the allegation may require an independent investigator.
- 6.5 Where an allegation is sufficiently serious to warrant police involvement, the Principal or nominated investigator will liaise with Police.
- 6.6 Depending on the circumstances, an employee may be suspended during the course of the investigation in line with the Disciplinary Procedure, further details on suspension are in section 8.
- 6.7 The case manager and LADO will determine how much information will be shared with the alleged victim and their parents/carers and how much information will be provided to other employees in line with the statutory guidance Keeping Children Safe in Education (as amended). The case manager will look at measures to manage speculation and decide what information (if any at all) should be provided to the wider community.
- 6.8 It is important to ensure that parents, guardians or carers who are informed of disclosures or allegations made against a teacher are aware of the criminal offence under section 141F Education Act 2002 for failing to keep allegations confidential during the course of an investigation.

- 6.9 On completion of an investigation, the case manager will agree the next steps with the LADO. Where an allegation leads to disciplinary action being taken, the LADO will be informed of the outcome of the disciplinary hearing and consideration will be given to referring the outcome of the disciplinary hearing to the Disclosure and Barring Service (**DBS**), Teaching Regulation Agency and other regulatory and registration bodies. Such referrals must be made promptly and in line with any guidance issued by the respective bodies. There is a legal requirement for the Academy to make a referral to the DBS where they have reason to believe that an individual has engaged in conduct that has harmed, or is likely to harm, a child or children, or if someone otherwise poses a risk of harm to a child.

7 SUSPENSION

- 7.1 The Academy will consider all options to avoid suspension, such as redeployment. The case manager will consult with human resources or other professional advisers and consider any discussions that have been had with the LADO and/or the police and determine whether the circumstances require the suspension of the staff member.
- 7.2 Factors that may be considered when determining if suspension is appropriate include, but are not limited to, whether there is suspicion that a child is at risk of immediate harm, whether the allegation is serious enough to warrant investigation by the police, if the allegation is a potential ground for dismissal, or there are other contributing factors meaning that suspension is the only reasonable option.
- 7.3 The case manager should consider if there are any interim measures which could be put in place short of suspension in order to avoid taking this action. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension when an allegation is later found to be unfounded, unsubstantiated, malicious, or false.
- 7.4 If suspension is required, the staff member will be suspended in accordance with the **A** Academy's disciplinary policy and procedures. The employee will receive a named contact. Reasons for the suspension will be provided within one working day, but complete details may be unavailable to disclose due to the involvement of other authorities/agencies. The case manager and employee will agree the support to be in place during the investigation and communicate the expected timescales and likely course of action. If part of a trade union, the staff member must be advised to contact them.
- 7.5 If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should include what alternatives to suspension were considered and why they were rejected.
- 7.6 The employee's manager will be informed that they have been suspended whilst an investigation is completed, but no further details will be given.

8 INVESTIGATION TIMESCALES

- 8.1 Cases will be resolved as quickly as possible with a fair and thorough investigation. Allegations will be investigated as a priority and avoid any reasonable delay. The time taken to investigate and resolve individual cases is dependent on the nature, seriousness and complexity of the allegation.
- 8.2 Where it is clear immediately that an allegation is unsubstantiated or malicious, we aim to resolve these cases as soon as possible.
- 8.3 Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Academy to deal with it, although if there are concerns about child protection, the case manager should discuss them with the DSL. In such cases, if the nature of the allegation does not require formal disciplinary action, the Academy should instigate appropriate action as soon as possible. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held in accordance with the disciplinary policy.

9 INVESTIGATION OUTCOMES

- 9.1 When determining the outcome of allegations subject to this policy the following definitions will be used:
 - a) substantiated: this term will be used when there is sufficient evidence to prove the allegation;
 - b) malicious: this term will be used when there is sufficient evidence to disprove the allegation and where there has been a deliberate act to deceive or cause harm to the person subject of the allegation
 - c) false: this term will be used when there is sufficient evidence to disprove the allegation;
 - d) unsubstantiated: this term will be used when there is insufficient evidence to either prove or disprove the allegation. Therefore, the term does not imply guilt or innocence;
 - e) unfounded: this term will be used when there is no evidence or proper basis which supports the allegation being made.
- 9.2 If the allegation is substantiated and after following applicable disciplinary procedures the person is dismissed, or the person resigns or otherwise ceases to provide their services, the DSL and case manager will decide whether to make a referral as set out at 6.9. The case manager will discuss any steps that can be taken to prevent incidents of this nature in the future with the DSL. If an allegation is substantiated and the person is dismissed or resigns, the Academy will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

9.3 If an allegation is determined to be malicious, the details of the allegation will be removed from the personnel file of the person who is the subject of the allegation.

9.4 If an allegation is determined to be unsubstantiated, unfounded, false or malicious the case manager and LADO should consider whether the child who has made the allegation is in need of help or at risk of abuse. In such circumstances, they may make a referral to children's social care.

If an allegation is determined to be malicious and it was made by another employee, the person making the allegation may be subject to disciplinary action under the Academy's disciplinary policy.

10 **RETURN TO WORK**

10.1 If 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 can be sought from HR or the LADO as most people will benefit from help and support after a stressful experience. The case manager should also consider how the person's contact with the child who made the allegation can be best managed if they are still attending the school or college.

11 **RESIGNATION**

11.1 If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation and internal process will still continue until an outcome has been reached, with or without the employee's cooperation. However, the individual will be given a full opportunity to make representations in respect of any allegation. Settlement agreements will not be used in situations, which are relevant to these procedures.

12 **CONFIDENTIALITY**

12.1 It is extremely important that, when an allegation is made, the Academy makes every effort to maintain confidentiality and guard against unwanted publicity during the investigation or consideration of the allegation. The Education Act 2002 introduced reporting restrictions preventing any material being published that may lead to the identification of an accused teacher. Breaching confidentiality may amount to a criminal offence under section 141F and is not limited to parents or guardians of a pupil.

12.2 The case manager will consult with the DSL, police and children's social care services to determine:

- a) Who needs to know and exactly what information can be shared;
- b) How to manage speculation, leaks and gossip;
- c) What, if any, information can reasonably be given to the wider community to reduce speculation; and

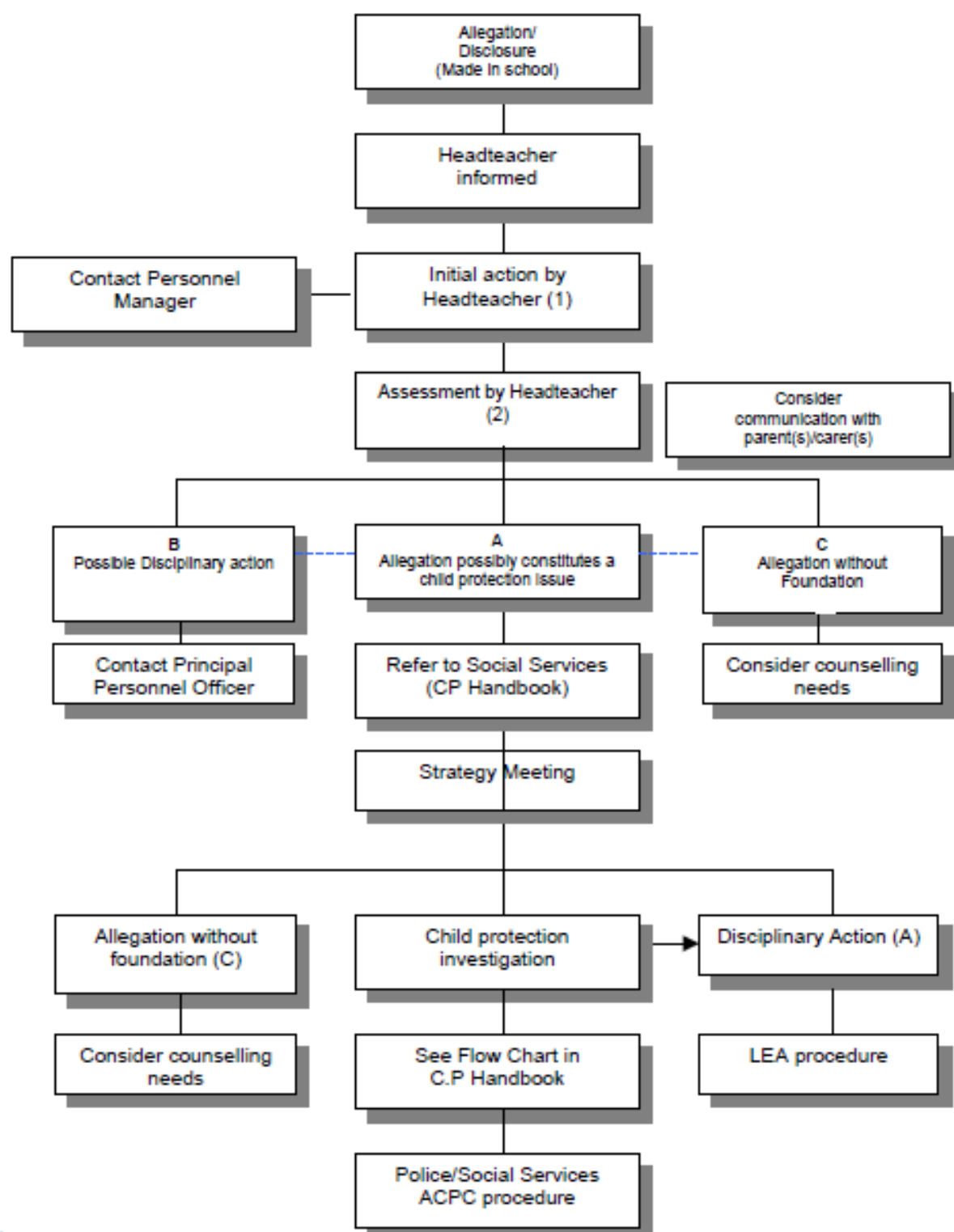
d) How to manage press interest should it arise.

13 **RECORD KEEPING AND REFERENCES**

- 13.1 Any details of allegations that are found to have been malicious will be removed from personnel records. For all other outcomes of allegations, a comprehensive summary of the allegation, details of how it was followed up and resolved, and a note of the action taken will be kept on the confidential personnel file of the accused, with a copy provided to the person concerned.
- 13.2 If an allegation is found to be false, unfounded, unsubstantiated or malicious, it will not be included in employer references.
- 13.3 For all other allegations the following information will be kept on the file of the person accused;
 - 13.3.1 a clear and comprehensive summary of the allegation;
 - 13.3.2 details of how the allegation was followed up and resolved;
 - 13.3.3 a note of any action taken and the decisions reached;
 - 13.3.4 a copy provided to the person concerned where agreed by children's social care or the police; and,
 - 13.3.5 a declaration on whether the information will be referred to in any future reference.
- 13.4 Records must be kept from the point of the allegation being made for either:
 - 13.4.1 a period of 10 years
 - 13.4.2 or until the accused reaches normal pension age

whichever is the longer period of the two.
- 12.4 All allegations of sexual abuse must be preserved throughout the duration of the Independent Inquiry into Child Sexual Abuse.

Procedure for dealing with an allegation of abuse by an adult while the child is the care of the School – Flow Chart 1



Allegation made to outside agency outside school – Flow Chart 2

