



Broughton Hall Catholic High School

MANAGING ALLEGATIONS AGAINST STAFF POLICY

Broughton Hall Catholic High School has adopted this policy from the LCC & School Improvement Team's guidance and policy document.

The Headteacher or Chair of Governors is the named school contact for allegations against school staff.

The Local Authority Designated Officer (LADO) (interim) for managing allegations against staff is **Ray Said**.

Date this policy was reviewed by the Governing Body: **October 2016**.

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SECTION 1: Purpose

This policy aims to guide Headteachers and/or Chairs of Governors through the process of managing allegations against staff.

It should be read alongside current guidance from both the DfE and Liverpool Childrens Safeguarding Boards (LSCB):

Keeping Children Safe In Education (Part 4: Allegations of abuse against teachers and other staff) DfE 2015

Allegations Against Adults who work with Children LSCB 2012:

http://liverpoolscb.proceduresonline.com/chapters/p_alleg_adults_ch.html

This policy should also be considered alongside the school's complaints policy and child protection policy and where appropriate any other safeguarding policies related to providing intimate care or providing positive and safe handling. The school community should also be aware of the school's whistle-blowing policy and also the school's 'code of conduct' for staff and visitors.

SECTION 2: Key Principles

- The school will work with other agencies to ensure the allegation is resolved in a timely fashion avoiding unnecessary delays.
- There should be **no delay** in seeking advice from the Local Authority Designated Officer (LADO) tel: 0151 225 8101 or in making a referral to Careline tel: 0151 233 3700.
- The school will also contact its HR provider at the earliest opportunity. (Your HR advisor may be the School Employment and Advisory Team S.E.A.T. tel: 0151 233 2895.)
- Whilst consideration should be given to suspending staff the DfE are clear all other options should be considered and suspension will not be the default option.
- Record keeping in relation to allegations must follow the guidance provided by the DfE. Hence malicious allegations will not be recorded in personal records and unsubstantiated, false or malicious allegations should not be referred to an employer in references. Hence only substantiated allegations should be included in references.
- The induction and on going training of all staff is key to the implementation of the school's safeguarding practices.
- All staff should aware of their responsibility to share concerns about any adults behaviour towards children with the Headteacher or, in the case of the Headteacher, with the Chair of Governors.
- The school has a clear Code of Conduct for all staff and key visitors which sets out its expectations. This Code aims to reduce the likelihood of allegations against colleagues by encouraging safer working practices.
- The school **has a statutory responsibility** to make a referral to the Disclosure and Barring Service where the outcome of any investigation warrants this. <https://www.gov.uk/government/organisations/disclosure-and-barring-service/>
- The school may need to refer to the NCSL re a Prohibition Order for teachers only
- The investigation in to an allegation will continue even if the member of staff chooses to resign. Hence the school would **never** consider a 'settlement/compromise agreement' by accepting a resignation in return for not pursuing disciplinary action.
- Once the matter is concluded careful consideration will be given to any lessons that can be learnt.

- The school will offer appropriate support to all parties and ensure on-going communication. The employee will be offered a named contact. The school is aware of its responsibilities to support the return of a member of staff subject to an investigation.
- The school is aware of its responsibility to maintain confidentiality and abide by the Education Act 2011 which places reporting restrictions preventing the publication of any material that might lead to the identification of a teacher until the person is charged or reporting restrictions are lifted. The school should make parents aware of their responsibilities in respect of confidentiality.
- The LADO has overall responsibility for the oversight of procedures for dealing with allegations against staff.
- The law views children as anyone who has not reached their 18th birthday. After this point, the school may need to consider some young people as vulnerable adults.

SECTION 3: Summary of the process as outlined in the DfE and LSCB Guidance

1. School considers concerns
2. School seeks advice from the LADO for Initial Consideration. This may lead to a 'Strategy Discussion'.
3. School makes a referral to Careline
4. School seeks advice from its HR provider (School Employment and Advisory Team)
5. The LADO will convene a 'Strategy Meeting' between the school, Children's Services and Police. This meeting will determine any actions to be taken by these agencies including criminal proceedings and the schools own disciplinary investigation.
6. Once the investigation and subsequent actions have been completed consideration should be given to: the need to refer to the Disclosure and Barring Service; any arrangements for supporting a colleagues return to work; any learning arising from the case and what records should be kept.

SECTION 4: Support for a member of staff and confidentiality:

The DFE provides clear guidance:

'Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by 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. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The case manager should 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. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to 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 should 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 should 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 case manager should 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 should 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 should be told the outcome in confidence.⁴⁵

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see below). If parents or carers wish to apply to the court to have reporting restrictions removed, they should 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.

Confidentiality

It is extremely important that when an allegation is made, the school or college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State⁴⁶ or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply 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 judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". 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 accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The case manager should 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.'

SECTION 5: Procedures to support the decision making and actions of the Headteacher or Chair of Governors:

Step 1: Concerns shared with the Headteacher or Chair of Governors

An allegation is shared with the Headteacher (Ms S Clarke), Designated Safeguarding Lead (Mrs D Lodge) or Chair of Governors (Mrs M Eves) which might suggest a person 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 he or she would pose a risk of harm to children.

The Headteacher or Chair of Governors should review the concerns with the LADO unless it is evident from the outset there is clear evidence that the allegation is false or malicious.

Step 2: Contacting the LADO and Referring to Careline

Schools **must** always contact the LADO when an allegation indicates a person poses a risk to young people. It is **expected practice** to contact the LADO at the earliest opportunity to consider the allegation.

Agree with the LADO if the concerns shared warrant a referral to Careline (Children's Services). Ascertain the LADO's view as to whether the member of staff might need to be suspended and if the Police will need contacting in relation to any possible criminal offence.

Take advice from the LADO as to what you should and shouldn't do next. For example, interviewing the child and member of staff may not be appropriate.

Make written notes capturing the decisions made and actions taken.

All referrals should be made, **without delay**, to Careline on 0151 233 3700 (24hrs). Careline would normally contact the Police on the school's behalf (Merseyside Police 0151 709 6010).

You may need to provide a written referral to Careline who will then complete an Allegations Notification Form. Always provide a mobile number where they can contact you especially once your school office has closed.

Ensure your written notes reflect the decision that Careline has agreed to contact the police and this has taken place. Be clear as to likely actions in the next few days including:

- **who will inform the parents/carers**
- **who will interview the member of staff and child**
- **can the nature of the allegation be shared with the member of staff in any letter reflecting a disciplinary investigation and potentially suspension**

Early Years settings will need to establish if they need to inform Ofsted of the allegation.

It is worth remembering there are three strands to consider in respect 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 an employer of disciplinary action in respect of the individual

Take advice from your HR provider (Schools Employment and Advisory Service) in particular what actions you need to take in respect of a disciplinary investigation and consideration of suspension. This advice should be considered alongside that provided by the police and LADO. However it remains the school's decision as to whether it suspends the member of staff or not.

Ensure the member of staff is sign posted to their own professional body, if appropriate, and offered a named contact in school. If suspension is not appropriate consider how the well being and safety of the child, other children and the member of staff can be maintained through alternative arrangements. Consider how you will ensure the matter remains confidential. You may need to advise the parents/carers of their responsibilities with respect to confidentiality. Schools may also need to seek advice from the Local Authority's Press Office on 0151-225 2611. (Teachers are afforded anonymity usually until they are charged.)

Step 3: The Strategy Meeting

A strategy meeting will be convened to determine the need for and nature of any police investigation; children's services assessment or school investigation. Subsequent meetings will be needed to share further information and update the school on any criminal investigations. It is likely the school will not be able to conclude its disciplinary investigations until the any police investigation is resolved.

Step 4: Disciplinary Process

Even if a criminal offence has not been committed the school may still need to consider a disciplinary process.

Step 5: Outcomes, Record Keeping and 'Learning Arising.'

HR should be consulted before any letter is sent to the employee.

OUTCOMES:

Once the outcome of all investigations is completed the school should record only certain outcomes on the colleague's personnel records. (Malicious allegations are not recorded). The record should be kept until the accused retires or for a period of ten years if that is longer.

The following definitions should 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.

DFE 2015

The school and or Local Authority has a duty to refer to the Disclosure and Barring Service any person they have dismissed or removed from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm.

<https://www.gov.uk/disclosure-barring-service-check/dbs-barred-lists>

DBS referrals helpline tel: 01325 953795

The school may need to make a referral to the NCSL re Prohibition Orders for teachers only.

The school will need to review any learning that has arisen from this case and consider any implications for its own practices. The governors should ensure any actions in respect of the school's practices are completed.

Consideration should also be given to any arrangements needed to support a member of staff who is able to return to work.

Section 6: Action in respect of unsubstantiated or malicious allegations

The DFE provides the following guidance:

*'If an allegation is determined to be **unsubstantiated** or **malicious**, the LADO/Designated Officer should refer the matter to local authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the head teacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil.*

In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.'

SECTION 7: Related Guidance:

Keeping Children Safe in Education DfE 2015

Safer Working Practices for Adults Working with Young People in Educational Settings DfE 2009

Screening, Searching and Confiscation, Advice for head teachers, staff and governing bodies DfE 2014

Use of Reasonable Force, Advice for head teachers, staff and governing bodies DfE 2013

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties DfE 2003

Guidance on the Use of Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorder. DfE 2002

SECTION 8: Appendices:

- 1. Standardised Agenda for Strategy Meetings**
- 2. Leaflet to support a member of staff subject to an allegation**
- 3. Exemplar Code of Conduct for Staff**

Agenda for Initial LADO Strategy Meeting

1. INTRODUCTIONS AND APOLOGIES

2. EXPLANATION OF PURPOSE AND FORMAT OF THE MEETING

Meeting convened under the procedures for Handling Allegations of Abuse made against Adults who Work with Children. Business of the meeting is to: share as much information as is available about the allegation or concern reported; share other relevant information about the subject of the meeting (such as employment or volunteering history) and any children affected; agree whether and how further investigation or assessment should be undertaken; consider and agree on any steps which should be taken to safeguard children.

3. CONFIDENTIALITY STATEMENT

Strategy Meeting attendees are reminded of the confidential nature of the information presented and are asked to ensure that information is only shared with people outside the Strategy Meeting if they need to know in order to protect a child, or as agreed by the Strategy Meeting. The minutes of the strategy meeting should not be used as evidence for a disciplinary hearing.

4. DETAILS OF THE SUBJECT AND ANY IDENTIFIED CHILD(REN) AFFECTED

Name, address, dob of the subject (employee /volunteer concerned) and any immediate family members. Name, address, dob of any children affected or identified as being at particular risk.

5. REASON FOR REFERRAL TO LADO

Discuss detail of the allegation or concern.

Police: Is the allegation of a criminal nature? Have the police begun enquiries or taken any action? Is the child/complainant willing to speak to the police?

Children's Services: Has the child been spoken to? Child's views. Parents' views. Medical examination. Section 47 enquiries. Other relevant information about the child.

Employing agency: What action has been taken in respect of the subject? Have there been any previous complaints against the subject? Are any other employees/volunteers implicated?

What is known about the subject's other contact with children: other employment/volunteering activity; history of employment/volunteering activity; contact with children within the subject's immediate or extended family. Consider the need to investigate any such information further and the need to involve relevant professionals in further Strategy Meetings

6. INVESTIGATION / ASSESSMENT

Agree on what further investigation or assessment is required to inform longer term decision making about the safety or suitability of the subject continuing to work with children; this could include criminal investigation, section 47 enquiries, disciplinary investigation. Agree on the co-ordination and timing of different investigations.

7. IMMEDIATE ACTION TO BE TAKEN TO PROTECT CHILDREN

Consider children in the employment/volunteering setting and children outside of this setting, in the family or community; whether referral for CP Conference is required in respect of children of the subject; whether child(ren) should continue in placement; whether referral for assessment is required in respect of additional children.

Consider role of the subject during the continuing investigation/assessment; does the employing agency plan to suspend or otherwise adjust the work of the subject.

8. INFORMATION SHARING

Agree on what information should be shared with the subject, the child(ren), parent(s), other professionals or agencies; and how this information will be shared. Consider the need to invite additional professionals to further strategy meetings.

9. DECISIONS / ACTIONS

Agree actions re

- the nature, co-ordination and timescales of further investigation (see 6)
- the role of the subject during the continuing investigation / on conclusion of the investigation (see 6)
- immediate action to safeguard children identified (see 7)
- support / advocacy for the subject
- support / advocacy for the child(ren) identified
- information sharing (see 8)
- the need for timing of and responsibility for referral to DBS and relevant professional bodies
- date for review strategy meeting

Agenda for Review LADO Strategy Meeting

1. INTRODUCTIONS AND APOLOGIES

2. EXPLANATION OF PURPOSE AND FORMAT OF THE MEETING

Meeting convened under the procedures for Handling Allegations of Abuse made against Adults who Work with Children. Business of the meeting is to: share as much information as is available about the allegation or concern reported; share other relevant information about the subject of the meeting (such as employment or volunteering history) and any children affected; agree whether and how further investigation or assessment should be undertaken; consider and agree on any steps which should be taken to safeguard children.

3. CONFIDENTIALITY STATEMENT

Strategy Meeting attendees are reminded of the confidential nature of the information presented and are asked to ensure that information is only shared with people outside the Strategy Meeting if they need to know in order to protect a child, or as agreed by the Strategy Meeting.

4. DETAILS OF THE SUBJECT AND ANY IDENTIFIED CHILD(REN) AFFECTED

Name, address, dob of the subject (employee /volunteer concerned) and any immediate family members. Name, address, dob of any children affected or identified as being at particular risk.

5. REVIEW STRATEGY MEETING

- review the actions agreed at the previous strategy meeting
- share information re the progress / outcome of investigations or assessments
- consider the role of the subject during the continuing investigation / on conclusion of the investigation
- review immediate action to safeguard children identified
- review support / advocacy for the subject
- review support / advocacy for the child(ren) identified
- review information sharing
- the need for timing of and responsibility for referral to DBS and relevant professional bodies
- date for review strategy meeting

6. DECISIONS / ACTIONS

(See Initial LADO Strategy Meeting Agenda)

A guide for staff and volunteers who work with children whereby allegations of abuse, criminal actions or suitability to work with children has been made

Introduction

Any allegation is likely to cause anxiety and concern. This guide is intended to help you be as well informed as possible should you be faced with an allegation. It provides an explanation of the process and offers information about appropriate support and guidance.

What happens when an allegation is made?

The employer's senior manager, responsible for dealing with allegations, should immediately consult the Local Authority Designated Officer (LADO), responsible for the management and oversight of individual cases, if it is alleged that a member of staff or volunteer has:

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

You should be told about the allegation as soon as possible, but this may be delayed if police or Children's Social Care (CSC) need to agree what information can be disclosed.

If the senior manager and LADO are clear that an allegation is demonstrably false, you should be informed of this, both verbally and in writing of the nature of the allegation and that it is without foundation. You should be informed that no further action will be taken and you should be offered support as necessary.

What happens next?

Strategy meeting

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, a Strategy Meeting will be held, involving Police, LADO, your employer, CSC and other agencies as appropriate. The aim of the Strategy Meeting will be to share relevant information and determine whether an investigation needs to be conducted by:

- CSC under child protection procedures
- police regarding any possible criminal offences
- your employer under disciplinary/suitability procedures

The Strategy Meeting is held under Child Protection Procedures and the primary focus is on the needs of the child. The Meeting could take place before you have been made aware of the allegation, but in either case you will not be invited to contribute. The discussion will determine what actions are to be taken next and is not part of any disciplinary procedures.

The Strategy Meeting will consider not only the children directly involved in the allegation but also any other children with whom you have significant contact. This could include your own children.

Internal Investigations

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of resources and the nature/complexity of the case. It may also need to be held in abeyance until the external agency investigations and possible criminal proceedings are complete.

Where it is felt that the allegation or concern does not necessitate child protection or criminal enquiries, the SMO and LADO will agree an appropriate internal process to be followed by your agency.

Volunteers and Supply Workers

If you are a supply worker or volunteer, the placing agency should be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children.

Resignations and Compromise agreements

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to co-operate. They must not use a "Compromise agreement/settlement" i.e. allow you to resign without disciplinary action and with an agreed reference.

Timescales

Cases should be dealt with as quickly as possible balanced against the need for a thorough and fair process/investigation. Government guidance sets out target timescales, but these will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be monitored in order to avoid unnecessary delay.

Suspension

Suspension is a neutral act, not a sanction. It should not be automatic and alternatives should be considered. Your employer has the final decision, but should take into account the views of Police and Children's Social Care if involved. Suspension should be considered in all cases where:

- there is cause to suspect a child is at risk of significant harm, or
- the allegation warrants a police investigation, or
- it is serious enough to be grounds for dismissal

If suspension is being considered, an interview should be arranged. You have the right to be accompanied by a Trade Union representative or a friend. The meeting is *NOT* an examination of the evidence but an opportunity for you to make representations concerning suspension. One of the roles of the union or professional body representative will be to promote your interests during suspension and raise issues that may be of concern to you. At this stage you may not be informed about the details of the allegation, where it is felt that informing you may prejudice enquiries.

Alternatives to suspension should always be considered, for example, transfer of duties or additional supervision. If you are suspended you should be kept informed of the position regarding your case by your employer on a regular basis even if there are no developments to report.

Support

You should be:

- advised to contact your Union representative or professional body
- given the name of a contact who will keep you up to date with progress of the case
- given the name of a contact to keep you up to date with work activities if suspended (you should not discuss the case with colleagues)
- offered the services of the Staff Counselling Service and/or Occupational Health if available

You are also advised to contact your GP if you feel your health is being affected.

Who will be Notified

Confidentiality should be respected and people only told on a 'need to know' basis. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents, children or the public.

It may also be appropriate to release a press statement for the media during and/or at the conclusion of any investigation; however, where possible you will be informed in advance.

Disclosure, Vetting & Barring Service

Your employer, and placing agency if appropriate, have a statutory duty to report you to the Secretary of State for consideration of barring you from, or placing restrictions on, working with children or young people, if:

- you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- you resign before a disciplinary process is completed, and your employer considers that you may have been dismissed

If you are referred, you will be sent a letter explaining the process, including your right to make representation.

Alleged criminal offence

If police decide to investigate, you may be arrested or invited to assist with the investigation. You should contact your Trade Union and/or a solicitor for advice.

At the police station you will be entitled to free and independent legal advice. You can see a Duty Solicitor, but if you want to use your own make sure they specialize in criminal law.

If arrested or interviewed, you should be cautioned: *"You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence"*

If 'assisting with the investigation' and not under arrest, you should be told that you are free to leave if you wish to do so. If arrested, you will be seen by the Custody Officer who will explain your rights in detail, including the right to have someone informed and to consult and read the "Code of Practice" that covers treatment during detention and interview. The Custody Officer will maintain a record of your period of detention.

Following arrest you can usually be held for up to 24 hours, after which you must be charged or released. This can be extended up to 36 or 96 hours by a Superintendent or Magistrate, respectively, depending on the seriousness.

Decisions about charging rest with the Crown Prosecution Service (CPS) who acts independently of the police. If you admit the offence, the CPS may advise a Caution i.e. a formal warning about your actions. A Caution will be recorded by the police and may influence a decision about instituting proceedings should you offend again. A Caution could affect your ability to work with children in the future, and in sexual abuse cases could result in you being placed on the Sex Offenders Register. You should seek advice from your solicitor before agreeing to accept a Caution.

If the CPS advises the police to charge you, this will be carried out by the custody officer. You will then either be released on bail to appear in Court at a future date or kept in custody to appear at the next available Court. The responsibility for the prosecution will lie with the CPS.

What happens regarding a return to work?

If a decision is made for you to return to work, arrangements will be made to lift the suspension, where one is in place. You should be involved with your union or professional body representative (as applicable) in planning your supported return to work. This may include discussion of opportunities for future training and development, guidance and support.

What records will be kept?

Your employers must retain key documents, relating to an investigation, in a secure place. A record will also be kept by the LADO on a secure database.

Useful Contacts	
Work contact	
Case information contact	
Human Resources	
Union Rep	
Occupational Health	
Staff Counselling	

Managing Allegations Against Staff Scenarios

1. A parent contacts school to complain a teacher's actions have led to a child being hurt them but it is clear from the outset that it was a straightforward accident.
2. A child complains a teacher has held their arm after a fight and has no right to touch them. Its clear from the outset from those there that the teacher acted appropriately.
3. A teacher has to restrain a child. The child has a grip mark around their throat and claims the teacher grabbed them and slapped them.
4. A member of staff uses their school laptop to access adult pornography.
5. Other students tell you a 15 year old student is having a relationship with a teacher and she has shown you an image of him on her phone?

Review the managing against staff procedures and summarise any key learning points:

Summary of managing allegations against staff procedures

The school follows the guidance set out in part 4 of [Keeping Children Safe in Education](#).

- Any concerns about the behaviour of any adult working within the school towards a child should be brought to the attention of the Head Teacher, Designated Safeguarding Lead or nominated governor without delay
- Consideration should be given to immediately protecting the child and the need to contact the police
- The Local Authority Designated Officer is the linchpin in the process and should be contacted without delay to discuss allegations against staff
- Referrals to Careline (0151 233 3700) will be made when a member of staff or volunteer may have:
 - 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 he or she would pose a risk of harm if they work regularly or closely with children.
- The LADO will advise if the parents and member of staff can be informed of the allegation.

- The LADO will advise how to manage speculation, leaks and gossip and whether it would be prudent to contact the Local Authority Press Office, and any information which might be reasonably given to the community to reduce speculation. In keeping with paragraph 120 of Keeping Children Safe in Education, staff and the child's family will be advised about the legislation on imposing restrictions which makes clear that the 'publication' of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited.
- The school will only begin a disciplinary investigation when advised by the LADO that these processes can begin.
- The school will contact its HR provider. (Where the allegation is so serious that if proven it would be grounds for dismissal the school should also contact the Local Authority HR Manager in the Schools' Employment Advisory Team.)
- At the point at which the member of staff is notified of the allegation they should be given information about the Managing Allegations Against Staff procedures and also a nominated member of staff to support them. They should be advised to seek Trade Union support and consideration should be given to their wellbeing and continued support.
- Suspension is always a neutral act and should not be an automatic response. The decision to suspend a member of staff is the employer's only. However, the school will need to draw upon the advice of the LADO and Police and, in keeping with the DfE guidance, record the reasons why suspension was chosen over other working arrangements.
- The case manager (Head Teacher or nominated governor) will record all actions, discussions and decisions taken in respect of the allegation.
- The school has a legal duty to refer to the DBS in keeping with paragraph 73 of Keeping Children Safe in Education. In keeping with the DfE guidance the school will not enter into compromise / settlement agreements if a member of staff faces an allegation against them
- The school has a responsibility to refer to the Secretary of State (National College for Teaching and Leadership) any teacher because of serious misconduct in keeping with paragraph 74 of Keeping Children Safe in Education.
- The school will only include in references substantiated allegations.
- The school will retain substantiated, false and unsubstantiated allegations on personnel files.
- The record of the allegation will be retained until the member of staff's normal retirement age or for a period of ten years from the date of the allegation if that is longer.
- The school will not enter into so-called settlement / compromise agreements when a member of staff faces an allegation against them.
- The school will consider what support the member of staff, child and family need throughout the process. In cases of malicious allegations the school will consider whether disciplinary action is appropriate against the child or a referral to the police or Children's Services is required.
- On conclusion of the case the member of the staff will be given a copy of the information to be retained on their personnel record. Consideration should also be given to how practices or procedures should be reviewed to help prevent similar events in the future, including the decision to suspend and the length of suspension. Return to work arrangements may also need to be considered.