

Keeping Children Safe in Education Dealing with Allegations of Abuse against Staff in the Trust 2023-24

Member of Staff Responsible	HR Director
Relevant guidance/advice/legal reference	DfE Keeping Children Safe in Education (KCSiE) Shropshire Council Local Authority
Adopted by	Trust Board
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This policy has been consulted on with the following professional associations/trade unions representing Teachers, Headteachers and Support Staff:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Association of School and College Leaders
- Unison
- GMB

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POLICY

1. Introduction

Ensuring that robust policies are in place to deal with allegations of abuse against staff (including supply staff, volunteers and contractors) in the Trust (including Headteacher and CEO) is an important part of safeguarding children in education.

Trustees must ensure they adopt policies and procedures that meet with statutory legislation.

The 3-18 Education Trust is committed to building a culture of safeguarding throughout its schools and promoting the welfare of all pupils in its care and expects all staff and volunteers to share this commitment.

This procedure complies with the statutory guidance from the Department for Education "Keeping Children Safe in Education (KCSiE) 2023".

The procedure closely follows the KCSiE statutory guidance in seeking to manage cases of allegations that might indicate that a person would pose a risk of harm* if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that any member of staff in the Trust (including a supply teacher, 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 he or she would pose a risk of harm to children.**
- **behaved or may have behaved in a way that indicates they may not be suitable to work with children.** For example, a member of staff involved in domestic violence at home where no children were involved, but the Trust would need to consider what triggered these actions and whether a child in school could trigger the same reaction and be put at risk. This is known as transferable risk and a risk assessment must be completed.

For handling allegations against supply staff, please refer to Annex A.

Reference to the term 'abuse' within this procedure means any alleged action which is covered by the above criteria.

Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Cases where an allegation is made against a member of staff need to be 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.

Cases must also be managed with the exercise of common sense and careful judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by the Safeguarding Initial Contact Team.

* The harm test is explained on the Disclosure and Barring service website on GOV.UK. Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002.

This procedure does however recognise the need for the Trust to work closely with the Local Authority and the importance of the initial contact and consultation with a nominated designated officer in the event of any allegation being made cannot be emphasised too greatly.

- 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.

Where concerns do not meet the harm* threshold, this does not mean the concern is insignificant.

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 or college 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, contrary to school policy;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- humiliating pupils.

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.

It is crucial that a culture of openness and transparency is present within all schools across the Trust any such concerns, including those which do not meet the harm threshold are shared responsibly and with the DSL, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

As good practice the trust board has set out their low-level concerns within the staff code of conduct and safeguarding policies.

2. Legislation

The following legislation is related to the operation of the procedure:

- The Children Act 1989
- The Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- The Education Act 2002
- The Children and Social Work Act 2017

The procedure also reflects the requirement of The Children and Social Work Act 2017 for Local Safeguarding Boards (LSCB's) to be replaced with 'local safeguarding arrangements. From September 2019, 'Shropshire Safeguarding Partnership' (SSP) is the overarching partnership representing the Local Authority, Police and Clinical Commissioning Group (CCG). In addition, the Shropshire Safeguarding Children Board (SSCB) will now be replaced with Shropshire safeguarding Children Network (SSCN).

This policy should be used in conjunction with the document; DfE KCSiE Statutory Guidance for Schools and Colleges 2023.

3. Definitions

The procedure adopts the following definitions:

Designated Lead:	The senior member of staff appointed from the school leadership team with specific responsibility with lead responsibility for safeguarding and child protection. The Designated Lead will be responsible for coordinating action within the school and for liaising with the Safeguarding Initial Contact Team over suspected child abuse.
Local Authority Designated Officer / Risk Manager:	The nominated officer with the Local Authority with responsibility for oversight of the procedures for dealing with allegations; for resolving inter-agency issues, and for liaison with the Shropshire Safeguarding Children.
Case Manager:	The Headteacher or CEO. Or where the Headteacher or CEO is the subject of an allegation, this will be the Chair of the Governing Body/ Trustees/ Chair of Trustees. The role of the Case Manager is to liaise with the LADO and other parties before deciding action under Trust policy and procedure.
Contact Officer:	Trust HR Director or HR Manager

4. Monitor & Review

Trust HR, in conjunction with the CEO, will monitor the outcomes and impact of this policy/procedure on an annual basis.

This procedure will be reviewed no later than 1 year by Trust HR, in consultation with Trade Unions.

PROCEDURE

1. Action on receipt of an allegation

- 1.1 Pupils who report that they have been abused by a member of staff (including supply staff, volunteers and contractors) must be listened to whatever form their attempts to communicate their worries takes. On no account should suggestions be made to pupils as to alternative explanations for their worries. A written, dated record must be made of the allegations as soon as practicable **(and in any case within 24 hours)** by the member of staff receiving them which is signed and dated. This must record any information about times, dates, locations and names of potential witnesses.

In cases where the allegation is not made by the pupil but by a parent or carer then the details must be similarly recorded.

- 1.2 Staff cannot promise total confidentiality to pupils who make allegations. A member of staff hearing an allegation against another should inform the pupil of the need to consider their allegation and to take action as required by this procedure. It is also important that the victim understands what the next steps will be and who the report will be passed to.
- 1.3 Where a pupil says they do not wish to take the matter further, consideration should be given to the age and understanding of the pupil and whether the pupil or the welfare of other children in the community, including the member of staff's family, may be at risk of harm. The member of staff should discuss the matter with the Designated Lead and the Case Manager (and no other person). The LADO/Risk Manager or Contact Officer (see 1.5 below) should be consulted if there is any doubt as to how to proceed and a risk assessment should always be carried out; a referral to children's social services may be necessary.
- 1.4 Where it is the Headteacher or CEO who is the subject of the allegation or concern, the member of staff should discuss the matter with the Designated Lead and the Case Manager or where the subject of the allegation is the Designated Lead, the Case Manager. The LADO/Risk Manager or Contact Officer (see 1.5 below) should be consulted if there is any doubt as to how to proceed.
- 1.5 The Case Manager must report the matter to the Safeguarding First Point of Contact team (FPOC) and send a copy of the recorded allegation, referred to at 1.1 above, marked Private and Confidential, within 24 hours of receiving the allegation. A child concern form will be completed by the FPOC team which will then be referred to the Initial Contact Team and/or the LADO/Risk Manager for consideration in accordance with 2.2 below.

The LADO/Risk Manager at Shropshire Local Authority is:
Ellie Jones (01743) 250009

The Contact Officer acting as further initial point of contact is the Trust's HR Manager.

- 1.6 Where the member of staff against whom the allegation is made is employed not directly by the Trust, the individual receiving the allegation must still act in accordance with the paragraphs above in order that the matter is brought to the attention of the appropriate person.

2. Urgent initial consideration of whether there is substance in an allegation

2.1 Following referral as set out in 1.5 above, in the light of the information available at this stage, consideration will be given as to whether to investigate under local child protection procedures. This consideration may involve initial discussion with other child protection agencies. There will be one of four possible outcomes of that consideration.

(Note: The immediate priority will be to determine whether a pupil or pupils are at risk of harm and in need of protection. Any action taken to establish the nature of the allegation and whether it should be investigated should be undertaken in a way which does not prejudice any subsequent action. In particular, there must be no interference with evidence. It is important to recognise that establishing whether an allegation warrants further investigation is not to form a view on whether the allegation is to be believed. **A Case Manager is not expected to investigate the allegation itself, or formally interview pupils, but to consider, with the LADO/Risk Manager or Contact Officer when necessary, whether the allegation requires further investigation.** Only if the allegation was demonstrably false or unfounded, would a further investigation not be warranted.)

(i)	(ii)	(iii)	(iv)
The seriousness of the allegation or concern warrants consideration under the local child protection procedure.	There is reason to suppose abuse could have occurred and that referral under the local child protection procedure or under internal disciplinary procedures may be necessary.	That the allegation was prompted by inappropriate behaviour by the member of staff (which may need to be considered under local disciplinary procedures) but there is no evidence of abuse.	That the allegation appears to be unfounded or is demonstrably false. The DSL will need to consider next steps, including appropriate disciplinary action.

3. Allegations which call for referral to Child Protection Agencies

3.1 Where there is a referral to local child protection agencies, resulting from the outcomes at (i) or (ii) in paragraph 2.1, a strategy or evaluation meeting will normally be convened in accordance with the "Working Together to Safeguard Children" Document. This meeting will be called as a matter of urgency and involve some or all the following:

- The member of staff who received the allegation
- The Designated Lead for Child Protection (as necessary if other than the Headteacher, CEO)
- The Case Manager
- The LADO/Risk Manager
- The Trust HR Manager
- Representative (s) of the Initial Contact or Assessment Team
- Representative(s) of the Police

- 3.2 The strategy/evaluation discussion/meeting will consider whether any other children are likely to be or have been at risk in the light of the allegation and whether it may be necessary to review any previous allegations made against the member of staff or to consider interviewing any other children including former pupils of the school. Where the allegation relates to physical contact the discussion will take account of DfE guidance on Use of Reasonable Force.
- 3.3 An important additional issue for the strategy/evaluation discussion/meeting is the welfare of the member of staff against whom an allegation has been made, balancing the interests of the investigation and the need to protect pupils with the need to minimise the stress to a person who may be the subject of a false, malicious or unfounded allegation.

4. Police Involvement

- 4.1 In some cases the police might wish to interview the member of staff against whom the allegation is made as an investigation of a possible criminal offence. The police may act independently of the Trust, particularly where the alleged offence is unconnected with the member of staff's professional life. Police officers should be given every assistance with their enquiries but confidentiality about the enquiries should be maintained in the interests of the member of staff.
- 4.2 Where the police are involved, wherever possible the Contact Officer will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case. Safeguarding services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation need protection or services, so that any information obtained during those enquiries which is relevant to a disciplinary case can be passed to the Contact Officer.

5. Notification of Interested Persons

- 5.1 The parents or carers of a pupil who has made or is the subject of an allegation, if they do not already know of it, should be made aware of the allegation as soon as possible. The Case Manager should, on reporting the allegation discuss with the Designated Lead, in conjunction with the Contact Officer, how and what information parents/carers should be informed of. The nominated Designated Lead may need to discuss this with representatives of the child protection agencies prior to giving advice. In some cases, however, such as where a pupil has suffered an injury, parents/carers may need to be notified immediately.
- 5.2 Where a joint strategy/evaluation meeting is held the question of whether any investigation would be hindered by an approach to or communication with parties at an early stage should be discussed. The Case Manager, in consultation with the child protection agencies must determine a communication strategy before contacting any parties. Subject to there being no objection the Case Manager should:
- a. inform the pupil, pupils or parent(s) making the allegation and explain the likely course of action;
 - b. ensure that the parents of the pupil or pupils who are the subject of the allegation are informed of the likely course of action;

- c. inform the member of staff against whom the allegation is made and explain the likely course of action*
- d. inform the Chair of Governors/ Chair of Trustees

A written record of these factual matters should be made.

- 5.3 Where there is an objection, such as by the Police, to the Case Manager, acting in accordance with (a) - (d) above, he/she should be informed accordingly and arrangements made to keep him/her informed of progress.

6. Considering whether suspension is appropriate

- 6.1 In some cases, the Case Manager, will need to consider the question of suspension but he/she must not automatically suspend or recommend suspension of a member of staff against whom an allegation is made.

- 6.2 Suspension is not in itself a disciplinary sanction though it should not be undertaken without good reason. **Circumstances in which suspension is likely:**

- i. **Where there is cause to suspect that a pupil or pupils are at risk of significant harm.**
- ii. **Where the allegations are so serious that dismissal for gross misconduct is a possible outcome.**
- iii. **Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.**

- 6.3 In a case of a serious allegation requiring immediate referral to the police or ICT, immediate suspension is likely. In other cases, suspension may or may not be appropriate. All options to avoid suspension should be considered prior to deciding to suspend and consideration must be given to whether the purpose of any suspension may be achieved by alternative arrangements. Based on an assessment of risk, the following alternatives should be considered before suspending a member of staff:

- redeployment within the Trust 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 Trust 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, 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 a school within the local authority or another academy trust.

- 6.4 These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation. Consideration must be given in this way as potential permanent professional reputational damage to employees can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

- 6.5 In consultation with the Contact Officer, the Case Manager should consider any recommendation which may be made as a result of any joint strategy discussion/meeting before a decision to suspend is taken.
- 6.6 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the LADO. This should also include what alternatives to suspension have been considered and why they were rejected. The individual should be able to contact their Professional Association or Trade Union representative.
- 6.7 Suspension may be considered at any stage of an investigation, but the above considerations must be followed.

7. An Interview to consider suspension

- 7.1 Where the suspension of a member of staff is being considered, an interview should be arranged. The Case Manager, should consult with and seek advice from the Contact Officer. Where the Case Manager is considering the suspension of a member of staff he/she will consult with the Chair of Governors/ Chair of Trustees. (Note: Where the member of staff is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned).
- 7.2 Where the police are involved in a criminal investigation any interview where suspension is to be considered, should not be arranged without prior consultation with an appropriate Police Officer. Where there is no police involvement, an interview should be arranged in accordance with the following procedures.
- 7.3 The member of staff called to an interview where suspension is a possible outcome should be provided with a copy of this procedure and advised to seek the advice and assistance of their trade union or professional association. He/she should be offered the opportunity to have a trade union or professional association representative attend the meeting. If the representative is not, however, available then the meeting should not be unduly postponed (it is considered that it would not be unreasonable to postpone the meeting to allow for the attendance of a representative provided that this would be for a period of **no more than one working day**). A member of staff who is not a member of a trade union or professional association may be assisted by a friend/person of their choice.
- 7.4 Prior to the meeting, the member of staff, where being accompanied, should be offered the opportunity of a brief meeting with the representative or friend. It should be made clear that the interview is not a formal disciplinary hearing but is for putting forward a serious allegation or matter which may lead to suspension and further investigation.
- 7.5 The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. He/she should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. The member of staff should be given an opportunity to make representations concerning the suspension. A brief adjournment should be offered to the member of staff prior to his/her response.
- 7.6 If, as a result of the interview, it is considered that suspension is necessary along with a full investigation of the allegation, the member of staff should be advised that

they are suspended from duty. Written confirmation of the suspension should be dispatched **within one working day**, giving reason for the suspension and the conditions with which the member of staff must comply.

8. Confidentiality

8.1 It is extremely important that when an allegation is made, the Trust makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 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 (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 State 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 restriction in response to a request to do so.

8.2 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. An example of this would be a parent publishing details of the allegation on a social networking site (if what was published could lead to the identification of the teacher by members of the public).

8.3 Agreement should be reached regarding 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.

8.4 Although the Education Act 2011 specifically refers to teacher, the provisions above should also be followed for any member of staff.

9. After a decision to suspend pending investigation

9.1 It should be reported to the Governing Body/ Trustees that a member of staff has been suspended pending investigation. It is advisable to provide no more than the minimum information necessary to the Governing Body/ Trustees, as more than this would prejudice governors’ impartiality in any subsequent hearing or appeal in disciplinary proceedings.

9.2 Members of the school’s leadership group and/or other staff who need to know of the reason for the suspension should be informed so far as necessary in the particular circumstances.

9.3 The Case Manager should take a decision on informing other staff in the school of the suspension. The Case Manager, should consider the extent to which it is

necessary to make a statement to parents of pupils in the school, having considered the need to avoid unwelcome publicity.

- 9.4 In certain circumstances, it may be necessary for the Case Manager, to provide immediate reassurance to parents and pupils in the school and there may be a need for information to continue to be provided during an investigation to parents, pupils and other colleagues.
- 9.5 The Case Manager, should consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. Advice from the Contact Officer should be taken on this matter and those covered under paragraphs 8.3 and 8.4 as necessary.
- 9.6 In all the above the provisions set out under Confidentiality section must be adhered to.

10. Support for the member of staff during the period of suspension

- 10.1 The suspended member of staff should be given the name of a support officer as a point of contact. The main role of this contact is to provide information as to the progress of the investigation. Social contact with colleagues and friends at the school should not be precluded except where it is likely to be prejudicial to the gathering and presentation of evidence. It must be recognised that the Trust has a duty of care to any suspended employee.
- 10.2 Although it is the aim that all investigations should be conducted as speedily as possible, consistent with establishing the full facts, arrangements should be made for the member of staff, or their representative, to be contacted regularly with information on progress and development on the case. These arrangements should not preclude the member of staff, or their representative, contacting those conducting the investigation at any time.
- 10.3 A named Trust contact should also be nominated and be able to provide the member of staff with information about developments at the school in general, according to the needs and wishes of the member of staff to be kept informed. The employee should be consulted about the selection of the named contact.
- 10.4 In some cases, it may be appropriate to ask the member of staff whether welfare counselling or the support of an Occupational Health provider would be helpful, or to respond to a request of the member of staff for such further support.

11. Support for others concerned

- 11.1 Support will be needed for the pupil or pupils making the allegations and their parents. Consideration should be given by the relevant agencies to the form such support should take in the light of the circumstances. Consideration should also be given to what support may be needed for others at the school, both staff and pupils, according to the circumstances of the alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained via the Shropshire Safeguarding Children Network (SSCN).

12. Investigations

- 12.1 There are two possible types of investigation which may occur:
- i. by the Police or by the Police and the Safeguarding Initial Contact or Assessment Team (joint investigation), under local child protection procedures
 - ii. at Trust level, under the agreed disciplinary procedures.
- 12.2 Any investigation under the agreed disciplinary procedures should be clearly separated from child protection investigations. Whilst the disciplinary investigation may be informed by child protection investigations and in some circumstances the child protection agencies might decide to make a recommendation about suspension or other protective action as a result of the strategy discussion/meeting, the child protection process has different objectives from any disciplinary procedure and the two should not be confused. Decisions as to suspensions and/or disciplinary action are for the Case Manager.
- 12.3 Any investigation by the police or child protection agencies will take priority over an internal investigation by the Trust. An internal investigation running alongside that of the police or child protection agencies is not likely to be good practice and should be held in abeyance pending the completion of the external investigation.

Where the police are involved, wherever possible the LADO will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case. Safeguarding services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation need 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 Contact Officer.

- 12.4 An investigation at Trust level may be undertaken on completion of an investigation by the police/child protection agencies. Alternatively, the investigation may be undertaken after a decision not to refer an allegation under local child protection procedures. Where it is decided not to refer an allegation under local child protection procedures following consultation as described in paragraph 2, a decision on whether there is to be an internal Trust level investigation will be required. In either case the investigation will be conducted in accordance with the guidelines at Appendix B of this procedure. Where possible the person undertaking the investigation should aim to provide a report **within 10 working days** of its completion. If further evidence comes to light during the course of the investigation, then it will be considered whether a referral back to the child protection agencies is appropriate.

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

- a. **Substantiated**: there is sufficient identifiable evidence to prove the allegation;
- b. **False**: there is sufficient evidence to disprove the allegation;
- c. **Malicious**: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unsubstantiated**: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

- e. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

13. Where no action is taken to suspend

- 13.1 The Case Manager should explain to the member of staff the circumstances which led to consideration of suspension and further explain any follow-up action which it is proposed to take. The member of staff may be accompanied by a trade union representative or friend. According to the circumstances of the case, appropriate assistance or advice may be offered. It should be established what support, if any, is required and advice where appropriate, should be sought. According to circumstances, appropriate counselling services should be considered.
- 13.2 If a member of staff has not been suspended but there are nonetheless concerns about aspects of their conduct, or if a decision is made by the LADO that an internal school level investigation will be required, a full investigation should be undertaken under the guidelines in Appendix B before making a decision about further action under disciplinary procedures.

14. Outcome of Internal Investigation under Disciplinary Procedures

- 14.1 At the end of the investigation a meeting should be arranged to inform the member of staff of the next steps. They may be accompanied or represented by a union representative or friend.
- 14.2 If the outcome is to consider the member of staff's conduct at a formal disciplinary interview then this will be called and conducted in accordance with the Trust's disciplinary procedures, and will happen after the child protection enquiries. Where a decision is taken to hold a formal disciplinary interview, this should be held as soon as possible, allowing for the notice requirements of the procedure. The aim should be to hold the interview **within 15 working days** of taking the decision.
- 14.3 If the member of staff has been suspended and it is not intended to proceed with any form of disciplinary interview, the suspension should be lifted immediately by the Governing Body/Trustees (this may be the Chair of Governors/Trustees acting under "emergency powers"). The Case Manager should meet the member of staff to discuss with them how the return to work may best be managed.
- 14.4 Other than in the event of dismissal, the Case Manager should provide the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and to help rebuild confidence where necessary. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options.
- 14.5 On the conclusion of any investigation and any related disciplinary proceedings, the pupil or pupils who made the allegations and their parents should be informed of the outcome of the proceedings. This should be prior to the member of staff's return to school if they have been suspended. In some circumstances, consideration should be given to the broader disclosure of details of the outcome, together with reasons, for example where the issues are of general importance, have become common knowledge or have been the subject of general gossip and there is a need to provide accurate details for public information.

The Local Authority's Communications Team will be able to offer appropriate advice. In all the above the provisions set out under Confidentiality section must be adhered to.

- 14.6 Appropriate counselling and support should be offered to the pupil or pupils who made the allegations and, where appropriate, their parents. This should be by the time the member of staff returns to school. This should consider a pupil's special needs where a false or malicious allegation has been made.
- 15. Where, following the initial consideration, the Case Manager believes that the allegation is without foundation or is demonstrably false, he or she should in conjunction with the LA:**
- i. consider whether the pupil might have been abused by someone else and whether a referral should be made to the police, the Safeguarding Initial Contact/Assessment Team or the NSPCC under child protection procedures;
 - ii. agree what information will be shared with the employee and any follow up action;
 - iii. inform the member of staff of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend. This should then be confirmed in writing;
 - iv. consider whether counselling and/or informal professional advice is appropriate and the form either might take;
 - v. inform the parents of the pupil or pupils of the allegation and the outcome;
 - vi. consider appropriate counselling and support for the pupil or pupils who made the allegation(s) and, where appropriate, their parents; consider a pupil's special needs where a false or malicious allegation seems to have been made;
 - vii. prepare a record, embodying (i) - (v) above and giving reasons for the conclusion that the allegation is without foundation.

16. Records

- 16.1 A written record of the outcome of the investigation must be made and this documentation will provide a clear and comprehensive summary of the allegation, how the allegation was followed up and resolved and any resulting action taken.

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 the future DBS checks reveal information about the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation, if an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for period of 10 years from the date of the allegation if that is longer.

Appendix D includes a separate template for recording summary key information and outcomes for a pupil and an employee. A pupil record chronology is also included. The pupil summary document and chronology must be kept on the pupils file. The employee summary document must be kept on the school's confidential employee personal file/record.

All documents relating to an investigation and any disciplinary action must be collated and will be securely held on the employee's personal file in a sealed envelope marked for the Headteacher, CEO, Designated Safeguarding Teacher, Contact Officer attention only. Where the documents relate to the Headteacher or CEO, it will

be marked for the attention of the Chair of Governors/Chair of Trustees, Contact Officer only.

- 16.2 If the member of staff is dismissed, or resigns before a disciplinary process is completed, the Case Manager should inform the member of staff about the employer's statutory duty to report the case to the Disclosure and Barring Service or to refer to the National College for Teaching & Leadership.
- 16.3 Where a pupil has made an allegation in writing, a copy of the statement or the record made of it should be kept on the section of a pupil's personal file which is not open to disclosure, together with the written record of the outcome of the investigation. If there are criminal or civil proceedings, records may be subject to disclosure and therefore no assurances can be given of confidentiality.
- 16.4 The LADO has a responsibility for the oversight of procedures for dealing with allegations against members of staff in schools as well as for resolving any inter-agency issues and for liaison with the Shropshire Safeguarding Children Board. All those involved in the management or oversight of individual cases will retain such confidential records as necessary for reporting to the LADO.
- 16.5 Details of allegations that are found to have been malicious should be removed from employee personnel records. However, for all other allegations, it is important that the pupil and employee summary of the allegation is clear and comprehensive, details how the allegation was followed up and resolved, and confirms any action taken and decisions reached. A copy of the employee summary should be provided to employee.
- 16.6 If any pupil(s) involved in an allegation leaves the school, appropriate information must be transferred as part of the pupil(s) file to the new school. The Headteacher should ensure the information is transferred securely and the new Headteacher is aware that sensitive and confidential information of a safeguarding nature is being transferred. The Headteacher must also ensure that a copy of all the information is securely and confidentially retained for any future investigation purposes. If the Headteacher should leave, they must ensure that prior to leaving the incoming Headteacher is made aware of where confidential safeguarding records are held.

17. Data Protection and GDPR

- 17.1 It is important that all staff involved in allegations of abuse against members of staff have due regard to data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018 and the GDPR.
- 17.2 Staff involved in these processes should be aware that Data Protection Act and GDPR processing conditions allow practitioners to store and share information for safeguarding purposes, including information that is sensitive and personal, and should be treated as 'special category personal data.'
- 17.3 This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

18. Resignations and ‘settlement agreements’

- 18.1 If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this procedure. **A referral to the DBS *must* be made if the criteria are met. The Case Manager should seek advice from Trust HR.** The Case Manager must also consider whether a referral to the Teacher Regulation Agency (formerly the NCTL) is made. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the Trust from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the Trust would not be complying with its legal duty to make the referral.
- 18.2 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 with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if the accused does not cooperate or is unavailable. 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 a conclusion wherever possible.
- 18.3 Settlement agreements’ (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer 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 in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

19. References

- 19.1 Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

20. Learning Lessons

- 20.1 At the conclusion of a case the Case Manager and/or the LADO should consider the circumstances of the case and whether there are any general matters arising from it which should be brought to the attention of managers across the Trust or within the wider Local Authority, and to Schools/Academies/MAT’s or to the Shropshire Safeguarding Children Network (SSCN) as perhaps warranting a review of local policy or procedures. Any training needs for teachers or other staff should also be considered as part of such a review. The publication of any such information to managers or the SSCB should preserve confidentiality about the member of staff and pupils involved in the investigation.
- 20.2 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 in conjunction with the Contact Officer and Designated Safeguard Lead.

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 a pupil at the School.

21. Annex A – Handling Allegations Against Governors/Trustees, Supply Staff, Organisations or Individuals using school premises and Contractors

Governors/Trustees

- If an allegation is made against a governor/trustee, the Trust should follow this procedure. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Supply Staff

- In some cases the Trust may have to consider an allegation against someone not directly employed by the Trust, where the Trust's usual disciplinary procedures don't fully apply, like supply staff provided by an agency.
- The Case Manager should make sure allegations are dealt with properly, and should not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with your LADO to determine a suitable outcome.
- The Case Manager should discuss with the agency whether it's appropriate to suspend the supply teacher, or redeploy them to another part of the school, while they carry out their investigation.
- Agencies should be fully involved and co-operate in any enquiries, but your school will usually take the lead as the agency won't be able to collect the necessary information.
- The allegations management meeting should address issues such as information sharing, to ensure previous concerns or allegations known to the agency are taken into account.
- When using an agency, you should inform them of your process for managing allegations, including inviting the agency's HR manager or equivalent to meetings and keeping them up to date with information about your policies.

Organisations or Individuals using school premises and Contractors

- Schools may receive an allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools and colleges should follow their safeguarding policies and procedures, including informing the LADO.

**PROCEDURE WHERE TRUST STAFF FACE AN ALLEGATION OF ABUSE:
SUMMARY OF STAGES**

Child (or another) reports allegation of abuse to a member of staff

Member of staff receiving allegation provides a written record consulting with the Designated Safeguarding Lead Teacher and or Case Manager

Contact and information sent to LADO and Contact Officer within 24 hours

Designated Lead consults with LADO and/or the Safeguarding Initial Contact Team (ICT) as necessary.

Outcome of consultation with ICT

(i)
Immediate Referral

(ii)
Possible Referral

(iii)
Where there is no abuse but may be Other concerns

(iv)
The allegation appears without foundation

Joint strategy discussions/meeting convened

Meeting to consider suspension

Action under Procedure Paragraph 15

Suspension

Police/IAT investigation precedes school investigation

Police/IAT/ Employer action

Suspension/ No suspension

Possible investigation under Trust Disciplinary Procedure

INVESTIGATIVE PROCEDURES PRIOR TO CONSIDERING DISCIPLINARY ACTION - GUIDANCE

1. The following guidelines relate to the investigation of an allegation or a concern by the Trust, or the Local Authority acting on behalf of the Trust, prior to consideration of any action under the agreed disciplinary procedure. Where the concern or allegation is subject to investigation by the Police and/or the Initial Contact Team under child protection procedures, then the Trust's internal investigation will only be undertaken once the investigation under child protection procedures has been completed.
2. The aim of an investigation is to obtain, as far as possible, relevant evidence and information and to reflect this within a fair and balanced report. The aim is not to prove or disprove an allegation. The investigation is a fact-finding exercise and is preliminary to considering the appropriateness of disciplinary action.
3. Undertakings of confidentiality should not be given to either a person making allegations or those interviewed. Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings and those giving evidence in the investigation should be so informed.
4. Where a case has been the subject of an investigation under child protection procedures all relevant information, including copies of statements taken by the Police, should be requested. Provision of this information will enable a judgement to be made on whether pupils or parents who have made allegations should be further interviewed. Where it is considered that the pupil(s) or parent(s) should be further interviewed as part of the internal investigation then their accounts should be recorded in the form of signed and dated statements. Consideration should be given to whether pupils should be interviewed in the presence of a parent.
5. **Preliminary Stages**
 - 5.1 The person undertaking the investigation should seek specialist advice as necessary, for example from the LA, and should familiarise him/herself with any relevant procedures and guidelines.
 - 5.2 The person investigating should:
 - collate all available information from the relevant agencies where an investigation under child protection procedures has been undertaken
 - define areas to be investigated
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed during the investigation
 - check corroborative evidence
 - assess the credibility of the person making the allegation.

6. The Investigation Process

- 6.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided.
- 6.2 If, at any stage during the investigation, new evidence emerges which makes a referral necessary under local child protection procedures or to the police, the investigation should be held in abeyance immediately following such a referral. If the member of staff is not at the time suspended, then consideration should also be given as to whether suspension is now appropriate in the light of such circumstances.

7. Interviewing the Member of Staff who is the Subject of an Allegation

- 7.1 The point at which this occurs will depend upon the nature of the allegation and the investigation process. The member of staff will normally be interviewed even where they have already been interviewed as part of a child protection investigation.
- 7.2 The member of staff should be informed of his/her rights under the Trust's disciplinary procedure, including the right to have a representative or other person of his/her choice attend the interview.
- 7.3 The member of staff should be informed of the allegation and invited to respond and to make a statement. The member of staff has the right either to respond or decline to respond.
- 7.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. (A copy of the notes will be given to the member of staff.)
- 7.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

8. Compiling a Report

- 8.1 Once all the relevant persons have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report reflecting the aim of the investigation as described in 2 above.
- 8.2 Consideration should again be given as to whether there are matters which have not been considered under child protection procedures and which should be referred. If there is such a referral, further proceedings at Trust level should be held in abeyance.

9. **Subsequent Action**

On receipt of the report the Case Manager will consult with an appropriate LA Officer. A decision will need to be taken at this stage on whether further action should be taken, including the possible consideration of the report at a formal interview conducted under disciplinary proceedings. If a formal disciplinary interview is to be held, reference should be made to the Trust's disciplinary procedure.

DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF IN THE TRUST

All concerns about abuse should be reported to the Designated Safeguarding Lead Teacher with responsibility for child protection matters who is:

(each School to insert name of Designated Safeguarding Lead Teacher)

If this is not possible because of absence or because the concerns relate to the Designated Safeguarding Lead Teacher the concerns should be referred to:

(each School to insert name of member of staff with this delegated responsibility in School)

Where a concern or an allegation arises in relation to a member of staff within the school, contact should also be made with the Trust HR Manager:

Laura Taylor, Trust HR Manager 01743 284061

Child protection allegations outside the school are covered by the Shropshire Safeguarding Children Network (SSCN).

Child Protection Procedures are held by the Designated Lead within the school.

Procedures where concerns or allegations relate to Trust staff are set out in the Keeping Children Safe in Education Dealing with Allegations of Abuse against Staff in the Trust. This can be found on T drive/HR/Policies

The office of the Initial Contact Team of the Safeguarding Assessment and Support Services Team which deals with school issues is located at Mount McKinley, Shrewsbury Business Park, Shrewsbury – Telephone 0345 678 9021.

If having raised a concern you do not feel appropriate action has been taken you may contact the Council's Standards Hotline: 01743 252627.

Child Welfare and Child Protection Concern Summary Sheet

For completion by staff or volunteers when they become aware of child welfare concerns, in accordance with Keeping Children Safe in Education and the school's child protection policy. The Designated Safeguarding Lead will monitor concerns and report where appropriate to Children's Social Care if a child is deemed at risk of significant harm. This information will be disclosed only to those staff who need to know for the purposes of child protection. Concerns should usually be shared with parent/child, unless to do so may place a child/ren at increased risk of harm (if in doubt about this, consult with social care). Please write legibly and do not use acronyms. Exact words must be used even if they may offend.

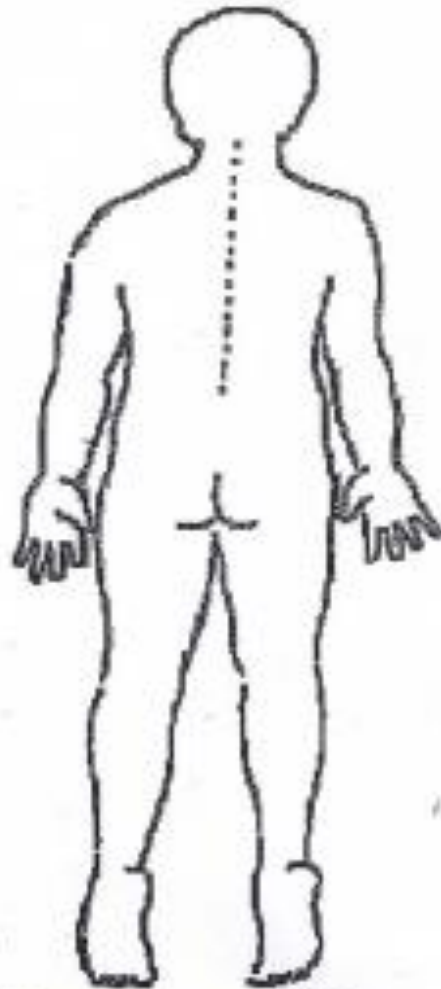
Date of alleged incident		Date/time of disclosure	
Name of child		Class	
Name of person making this record		Role in school	
Signed as a true record		Date DD/MM/YY	

Nature of concern Attach additional sheet(s) if necessary (include observations as well as professional opinions)						
	Body map used	Yes		No		
Any other relevant information (previous concern, other professionals involved/SEN details etc.)						
Current status with social care (please tick & add name where known)	None		Known to social care		Allocated social worker	Child protection plan

Name of Designated Safeguarding Lead reviewing the concern		Initial Action taken		Date	
Further action taken				Date	

Please also record whether concerns were shared with: <ul style="list-style-type: none"> • parents/carers • MASH and reason(s) why:			
Final outcome		Date	

Body Map			
Date concern noted		Date/time of report	
Name of child		Class	
Name of person making this record (please print)		Role in school	
Signed as a true record		Date DD/MM/YY	



SAFEGUARDING OVERVIEW SHEET

(To be included in the child's CP file when concerns are logged)

Name of child _____ DOB: _____

Date record created _____

Nature of concern:

Other known names _____

Address _____

Other family members:

(include full name, relationship e.g. mother, stepfather etc. For U18s, include age, if known)

Are any other child protection files held in school relating to this child or another child closely connected to him/her? YES/NO

If yes, which files are relevant?

Name and contact number of Social Worker (Children's Social Care) or CAF details:

Name and contact number of any other agency workers involved:

Name of lead person responsible for reviewing this record:
