



# Policy for Managing Safeguarding Concerns Raised About Staff

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## 1. Introduction

All schools are under an absolute duty to promote and safeguard the welfare of children at the school, and to have regard to guidance issued by the Secretary of State in doing so. This policy has been created in line with guidance issued in Keeping Children Safe in Education 2016 and Working Together to Safeguard Children 2015.

This procedure must be used in any case where it is alleged or a concern has been raised that a teacher, other member of staff or volunteer at the school has:

- Behaved towards a child or children in a way that has harmed 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 that he or she would pose a risk of harm to children.

As it is the same procedure to follow whether an allegation is made or a concern is raised, the two terms are used interchangeably throughout this document.

This policy also has links to the school's:

- Child Protection Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Health and Safety Policy
- Confidentiality Policy

This policy relates to members of staff who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. 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.

Employers have a duty of care to their employees. We will ensure we provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in the school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

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

## **2. How Concerns Arise**

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

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

## **3. Recording and Reporting**

All concerns about the possible abuse of children by staff must be recorded and reported to the Headteacher immediately unless there is a concern about the Headteacher in which case the concern should be reported to the Chair of Governors.

If the Headteacher is absent, staff should report the concern to the Designated Safeguarding Lead (DSL). The DSL should follow the procedures outlined below, but should also inform the Chair of Governors. The Chair of Governors will then consider whether to inform the person deputising for the Headteacher.

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

## **4. Initial Action and outcomes**

The Headteacher or Chair of Governors will immediately discuss the allegation with the Local Authority Designated Officer (LADO).

The Local Authority Designated Officer for Reading Borough Council is Sean Capewell tel: 0118 9390684 email: [sean.capewell@reading.gov.uk](mailto:sean.capewell@reading.gov.uk).

The purpose of the initial discussion is for the LADO and the Headteacher or Chair of Governors to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the Headteacher/ Chair of Governors to provide or obtain relevant additional information, such as previous history and the individual's current contact with children. There may be situations when the Headteacher/ Chair of Governors will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the Headteacher/ Chair of Governors should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

## 5. Consultation and further action

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the Headteacher/ Chair of Governors and the LADO and agreement reached on what information should be put in writing to the individual concerned and by whom. The Headteacher/ Chair of Governors should then consider with the LADO what action should follow both in respect of the individual and those who raised the initial concern..

The Headteacher/ Chair of Governors should inform the member of staff about the concern as soon as possible after consulting the LADO. It is extremely important that the member of staff is provided with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the member of staff will not be informed until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

The school will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved.

All options to avoid suspension will be considered prior to taking that step (see further information on suspension which follows).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance in *Working Together to Safeguard Children*. If the concern is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other members of staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Headteacher/ Chair of Governors. In those circumstances, the options open to the school depend on the nature and circumstances of the concern and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future.

## **6. Suspension**

Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the Headteacher/ Chair of Governors how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff.

However, in other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the concern an independent investigator may be required. The school will discuss this and arrangements for this with the LADO.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the concerns. In some rare cases that will require the Headteacher/ Chair of Governors to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when a concern is reported: all options to avoid suspension should be considered prior to taking that step. If the Headteacher/ Chair of Governor is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is/ are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the Headteacher/ Chair of Governors must consider carefully whether the circumstances warrant suspension from contact with children at the school until the concern is resolved, and may wish to seek advice from their personnel adviser and the LADO.

In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school, it will be necessary to immediately suspend that person from teaching pending the findings of the investigation that will be being carried out by National College for Teaching and Leadership (NCTL) in relation to the prohibition order.

The Headteacher/ Chair of Governors should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases, an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff

continuing to work during the investigation, the Headteacher/ Chair of Governors should be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives should be considered by Head teacher before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or in a different location 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.

These alternatives allow time for the school to arrive at an informed decision regarding the suspension and possibly reduce the initial impact of the concern. This will, however, depend upon the nature of the concerns raised. The Headteacher/ Chair of Governors should consider the potential permanent professional reputational damage to employee that can result from suspension where a concern is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Headteacher/ Chair of Governors and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for the Headteacher/ Chair of Governors to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the school and provided with their contact details.

Children's social care services or the police cannot require the Headteacher/ Chair of Governors to suspend a member of staff or a volunteer, although they can advise and the Headteacher/ Chair of Governors should give appropriate weight to their advice. The power to suspend is vested in the governing body of the school who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school's consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

## **7. Strategy Meeting/Evaluation with police**

If the concern is not demonstrably false or unfounded, a formal referral will be made to Thames Valley Police Child Abuse Investigation Unit and a strategy meeting will be convened in accordance with “Working Together to Safeguard Children”.

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

- A police investigation of a possible criminal offence;
- Enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services
- Consideration by the employer of disciplinary action in respect of the individual.

A senior representative of Reading Girls’ School (Headteacher or Chair of Governors) will attend any strategy meeting, unless there are good reasons not to. They will provide details of the circumstances and context of the allegation and the pupil and member of staff concerned.

## **8. Action Where Police or Local Authority Investigation Not Necessary**

If the concern or allegation is such that

- it is clear that a criminal and/or child protection enquiries are not necessary, or
  - the strategy discussion or initial evaluation decides that this is the case
- the Headteacher or Chair of Governors will discuss the next steps with the LADO.

In those circumstances, the options open to Reading Girls’ School depend on the nature and circumstances of the concern and the evidence and information available, and will range from taking no further action or giving professional advice as part of an informal warning to conducting formal disciplinary action that could lead to dismissal of lesser formal warning.

Where further enquiries will be needed to enable a decision about how to proceed, an investigation will be needed and the Headteacher/ Chair of Governors will agree with the LADO how and by whom the investigation will be undertaken. Such an investigation should normally be undertaken by a senior member of Reading Girls’ School staff. However, the nature or complexity of the concern may require an independent investigator.

If the nature of the concern does not require formal disciplinary action/ investigation the headteacher will institute appropriate action within **three**

**working days.** This would normally be professional advice or an informal warning and a record will be kept of this.

On receipt of the report of the disciplinary investigation, the headteacher and chair of governors should consult the LADO, and decide whether a disciplinary hearing is needed - this decision must be made and communicated to all relevant parties within two working days.

If a hearing is needed, it should be held within fifteen working days.

## **9. Action Where Police or Local Authority Investigation Is Necessary**

The police or Crown Prosecution Service (CPS) should inform the school and LADO straightaway:

- If it is decided to close an investigation without arrest or charge, or
- If it is to be decided not to prosecute after the person has been charged, or
- When a criminal investigation and any subsequent trial is complete.

In those circumstances the LADO will discuss with the Headteacher/ Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and or the local authority will inform that decision.

## **10. Referral to the Disclosure and Barring Service**

If on conclusion Reading Girls' School ceases to use the person's services, or the person resigns or ceases to provide his or her services, the school will consult with HR at Reading Borough Council about whether a referral for barring is required.

If a referral is appropriate the report will be made within one month.

## **11. Supporting those involved**

Reading Girls' School has a duty of care to our employees. We will 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 Headteacher/ Chair of Governors 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. This 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. However, where a strategy discussion is required, or police or children's social care services need to be involved, the Headteacher/ Chair of Governors 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.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. 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.

## **12. Confidentiality**

It is extremely important that when an allegation is made, the school 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 or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case.

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

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 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 or carer 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 Headteacher/ Chair of Governors 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.

No-one in Reading Girls’ School may 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.

No-one in Reading Girls’ School may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

### **13. Managing the situation and exit arrangements**

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with this guidance.

If the concern is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the school whether a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists and /or (for teachers) to the Department of Education. There is also a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so.

It is important that every effort is made to reach a conclusion in all cases of concerns bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the member of staff involved should be given a full opportunity to answer the concern and make representations about it. But the process of recording the concern 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 that cannot be done or the accused does not co-operate. 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.

'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, will not be used in cases of refusal to co-operate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate. Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still be completed in accordance with the Guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the welfare of children, including any in which the person concerned refuses to co-operate with the process.

## **14. Record-keeping**

Details of concerns/allegations that are found to have been malicious should be removed from personnel records. However, for all other concerns, it is important that a clear and comprehensive summary of the concern, details of how the concern was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about a concern that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code, as well as supplementary guidance, which provides some practical advice on record retention.

## **15. Timescales**

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.

It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the concern does not involve a possible criminal offence it will be for the school to deal with, although if there are concerns about child protection, the school will discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the school should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## **16. Oversight and Monitoring**

The LADO has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The LADO will provide advice and guidance to the Headteacher/ Chair of Governors, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the LADO;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## **17. Information-sharing**

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. Where the police are involved, wherever possible the school should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer 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.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

The police should inform the school and LADO immediately when a criminal

investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the LADO should discuss with the Headteacher/ Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Headteacher/ Chair of Governors should consider how best to facilitate this.

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

### **18. In respect of malicious or unsubstantiated allegations.**

If a concern is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher should consider whether any disciplinary action is appropriate against the person who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible.

### **19. Learning lessons**

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Headteacher/ Chair of Governors to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and Headteacher/ Chair of Governors should consider how future investigations of a similar nature could be carried out without suspending the individual.

## **20. Action on Conclusion of a Case**

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, Reading Girls' School will consider how best to facilitate that. 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 Headteacher/Chair of Governors should also consider how the person's contact with the child/children or adult who raised the concern can best be managed if they are still at the school.

## **21. Allegations concerning staff not directly employed by the school**

In some cases, Reading Girls' School will need to consider an investigation in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation.

That will be necessary when, for example, a concern is raised against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation.

In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self-employed.

Although in these cases the school will not have direct employment relationships with the individual, Reading Girls' School will co-operate in an investigation, and in reaching a decision about whether to continue to use the person's services, or to provide the person for work with children in future, and whether to report the person to DCSF.



**Peter Kayes**  
**Chair of Governors**