



## **Dealing With Allegations Against Staff Policy and Procedure**

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<b>Approval needed by:</b>	<b>Finance and Staffing Committee</b>

## Introduction

This guidance is about managing cases of allegations that might indicate 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 a teacher or member of staff in a school (including a volunteer) has;

- behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child;
  - behaved towards a child or children in a way that indicates s/he may pose a risk of harm to children;
- or,
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

## SUMMARY OF PROCESS

### Allegation made to school

1. The allegation should be reported to the Headteacher immediately unless the allegation is about the Head in which case it should be reported to the Chair of governors.
2. If the allegation meets any of the criteria set out above, the Headteacher should report it to the Local Authority designated officer (LADO) the same day.

### Allegation made to the Police or children's social care

3. If an allegation is made to the police, the officer who receives it should report it to the force designated liaison officer without delay and the designated liaison officer should inform the LADO straight away. Similarly, if the allegation is made to children's social care, the person who receives it should report it to the LADO without delay.

### Initial consideration

4. The LADO will discuss the matter with the Headteacher and, where necessary, obtain further details of the allegation and the circumstances in which it was made. N.B. The Head should not investigate the allegation at this stage. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.
5. If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance "Working Together to Safeguard Children".
6. If there is no cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.

### Action following initial consideration

7. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with under the relevant policy eg. Disciplinary Policy. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

8. Where further investigation is required to inform consideration of disciplinary action the Headteacher and a member of the Trust HR team should discuss who will undertake that with the LADO. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. In any case the investigating officer should aim to provide a report to the employer within 10 working days.
9. 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 within 2 working days. If a hearing is needed it should be held within 15 working days.
10. In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Head and chair of governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
11. The LADO should continue to liaise with the school to monitor progress of the case and provide advice/support when required/requested.

### **Case subject to police investigation**

12. If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than 4 weeks after the initial action meeting and if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point. (It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage.)
13. If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the employer within 3 working days of the decision. N.B. In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school.
14. If the person is convicted of an offence the police should also inform the employer straight away so that appropriate action can be taken.

### **Referral to DBS**

15. If on conclusion of the case the school ceases to use the person's services, or the person ceases to provide his/her services, the school should consult the LADO about whether a referral to DBS is required. If a referral is appropriate the report should be made within one month.

### **Further Guidance**

Available in 'Keeping children safe in education. Statutory guidance for schools and colleges. January 2021'