



# **ALLEGATIONS OF ABUSE AGAINST STAFF POLICY**

**September 2023**

To be reviewed September 2024



## Statement of Intent

The James Montgomery Academy Trust (JMAT) takes its responsibility of care for its pupils very seriously. We recognise that any possibility that a member of staff (including governors, volunteers, supply teachers and agency staff) may hurt a pupil must be investigated very thoroughly, in a way that does not prejudice either the pupil or the member of staff and in line with the professional standards and procedures outlined in this policy.

The JMAT promotes an open and transparent culture in which **all** concerns about staff (including low level concerns) are shared with the DSL/Headteacher and are recorded and dealt with appropriately. We aim to identify and address concerning, problematic or inappropriate behaviour early in order to minimise the risk of abuse. It is our intent (through training and raising awareness) to ensure that the staff working in JMAT schools are clear about their professional boundaries and act in accordance with the ethos and values of the Trust.

## Legal framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Children Act 1989
- The Education Act 2002
- The Education (Independent School Standards) (England) Regulations 2015
- The Children Act 2004
- Data Protection Act 2018 (GDPR)
- Freedom of Information Act 2000

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- Working Together to Safeguard Children 2018
- **Keeping Children Safe in Education 2023**
- Public Sector Equality Duty (PSED)

## Keeping Children Safe in Education

This guidance includes two sections covering the two levels of allegation/concern:

1. Allegations that may meet the harms threshold.
2. Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as ‘low level concerns’.

## General Principles for Allegations that Meet the Harms Threshold

Should the allegation meet any of the following criteria then the **Headteacher** should report the allegation to the **Local Authority Designated Officer (LADO)** the same day that the allegation is received – that a teacher or member of staff (including governors, volunteers, supply teachers and agency staff) in a school that provides education for children under 18 years of age has:

- Has behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or in relation to a child
- Behaved in a way towards a child that indicates they may pose a risk of harm to children
- Behaved, or may have behaved, in a way that indicates s/he is unsuitable to work with child

Or where:

- Concerns arise about the person’s behaviour with regard to his/her own children.
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member

The JMAT will be informed and the following procedure will be implemented.

Where the allegation does not meet any of the criteria listed above and does not involve a criminal offence then the allegation is dealt with under the section headed 'Action following initial consideration of allegation'

### **Initial allegation made to the school**

Any allegation of abuse, whereby a member of staff is accused of abusing a pupil, must be reported to the **Headteacher**. Should the initial allegation first be made to any other member of staff, then that member of staff must either request the person raising the allegation to report it to the **Headteacher** or, if that is not possible, to pass details of the allegation to the **Headteacher** immediately.

Should the allegation be made against the **Headteacher** then this should be brought to the attention of the **CEO/Chair of the JMAT** immediately. In such cases where the policy refers to the involvement of the **Headteacher** then "the **CEO/Chair of the JMAT**" should be substituted for "the **Headteacher**".

Allegations may be received in a variety of ways, including:

- Direct complaint by a pupil to another staff member or **Headteacher**
- Direct complaint by a parent/carer to another staff member or teacher
- Concerns raised by parties who may have been told about or witnessed abuse
- Direct contact by parent/carer to the local authority
- Anonymous referral
- Direct complaint to the assessment team or the police

### **Immediate Response to the allegation made to school**

There are two aspects to consider when an allegation is made:

- Looking after the welfare of the child - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the MASH team
- Investigating and supporting the person subject to the allegation - the Headteacher should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

The Headteacher will use common sense and good judgement to deal with the allegation quickly, fairly and consistently. Effective protection for the pupil and support for the person subject to the allegation must be provided, in line with JMAT guidance and advice from the LADO.

The member of staff receiving the complaint must not seek to investigate the allegation themselves or interview pupils.

Where possible, details of the allegation should be obtained in writing, signed and dated by the person receiving the allegation and the pupil or person who is making the allegation. The statement can either be completed by the individual or on their behalf but all statements must be countersigned by the person giving the statement as a true record.

### **Initial consideration of allegation made to school**

The **Headteacher** will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The **Headteacher** should not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

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, the LADO will immediately refer it to children's social care and ask for a strategy

discussion, in accordance with 'Working Together to Safeguard Children 2018', to be convened straight away. In those circumstances, the strategy discussion should include the LADO and the **Headteacher**.

If there is not 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 will also involve the school and any other agencies involved with the child.

All records of Allegations/LADO discussions with the employee should be recorded on the JMAT documents found in [Appendices 1 and 2](#).

### **Action following initial consideration of allegation**

Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the **Headteacher** to deal with it. 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.

Where further investigation is required, the Headteacher should discuss who will undertake that with the LADO. **The Duty LADO for Rotherham can be contacted on either 01709 334768/336491 for advice or via the MASH contact number 01709 336080 for a referral to LADO.** The **LADO for Doncaster** can be contacted on **01302 737748**.

The Investigating Officer will normally be a member of the Senior Leadership Team who has had no previous involvement in the case. If no such person is available, the Headteacher will decide who is the most appropriate person to carry out the investigation. Where the investigation is to be conducted internally for inappropriate behaviour the investigating officer will:

- define the areas to be investigated
- draw up a provisional list of those to be interviewed and the content for discussion. This will include firstly interviewing the alleged victim and any witnesses. If the incident occurred in a classroom then a random selection of pupils will be interviewed, if appropriate
- check potentially corroborative evidence
- assess the credibility of the person making the allegation. In doing so, consideration should be given to the issues of listening to young people, treating each allegation seriously and professionally and ensuring that the person does not feel intimidated in making the allegation.

If, at any point, the Investigating Officer becomes aware that there may be child protection issue emerging, the investigation will be halted and referred, under the child protection procedures, directly to the Local Authority and the LADO informed.

The investigating officer should aim to provide a report to the **Headteacher** within 10 working days.

On receipt of the report of the investigation, the **Headteacher** and **Chair of Governors** should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

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 **Headteacher** and **Chair of Governors** should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

See [Appendix 3](#) for the table outlining the authority to act in this situation

## **Possible Action Following Investigation**

### **No further action**

If it is agreed, following investigation, that no further action is required, the Headteacher will:

- inform the parent/carer of the pupil, in writing, of the allegation and outcome, i.e. a decision to take no further action or a view that there has been a false allegation
- where there has been a false allegation, consider with the Designated Safeguarding Lead whether the pupil might have been abused by someone else
- inform the member of staff, verbally and in writing, that an allegation has been made and that no further action under disciplinary or child protection procedures will be taken. The employee may have a workplace colleague or representative present during this discussion
- consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take. Make arrangements to offer such appropriate support to the employee
- consider appropriate counselling and support for the pupil and parent/carer, particularly where a false or malicious allegation has been made. The need for appropriate disciplinary action against the pupil should be considered at this stage. Otherwise, determine whether the pupil needs further support or whether the allegation could be an indicator of other concerns (e.g. abuse elsewhere)
- prepare a report, to be copied to the employee, giving reasons for the conclusion that the allegation is without foundation and stating the action taken, as above
- clearly state on the member of staff's record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary
- give consideration to what action is required to avoid a repeat of the allegation, i.e. is a planned transfer appropriate?
- it should be understood that, where a police investigation has been undertaken, the outcome may be that there is "insufficient evidence to proceed". It is normal for this to be the only recorded statement made by the police where they have not taken any further action against a person against whom allegations have been made.

### **Possible inappropriate behaviour**

If it is agreed, following investigation by the LADO and the Headteacher and/or representatives of the Local Authority or police, that the matter falls into the category of inappropriate behaviour as opposed to child protection, a timescale will be agreed in which the school will complete an investigation by its Investigating Officer. An agreement will be made as to who will inform the parent/carer of this course of action. The investigation may become part of disciplinary procedures.

### **Staff interview by the Investigating Officer**

The person subject to the allegation will be informed of:

- his/her rights under the school's disciplinary procedures, including the right to representation
- the allegation and invited to make a statement
- the right either to respond to the allegation (or decline to respond) and to be represented prior to giving a response

Full notes will be taken and the member of staff invited to read and sign them as a true record of the interview, a copy of which will be made available to the member of staff.

Persons identified by the member of staff as having relevant information will be added to the list to be interviewed as part of the investigation.

On conclusion of the investigation a report will be produced for the Headteacher and recommendations made in relation to future action. Consideration should be given to the need to refer back to child protection procedures, consider suspension and/or refer the report under disciplinary procedures.

Where disciplinary action is being considered there will be consultation with the JMAT HR advisers.

The Headteacher will retain records of the investigation, including statements, in a secure and confidential system.

On consideration of the report the designated officer will write to the parent/carer of the pupil involved and the staff involved informing them of the outcome of the investigation. A copy of both of these letters will be sent to the Headteacher. In some situations the designated officer for allegations will discuss specific courses of action which may assist in the prevention of similar situations occurring.

### **Where an investigation is likely to follow child protection or criminal process**

Where there are marks/bruising to a pupil, complaints of assault or concerns of a sexual nature then there is a strong possibility that this will be treated as a child protection referral. In such circumstances swift action is vital as follows:

- Where there are marks/bruising to a pupil, complaints of assault or concerns of a sexual nature then there is a strong possibility that this will be treated as a child protection referral. In such circumstances swift action is vital.
- Where the pupil is injured, medical treatment will need to be considered as a priority
- Where it is agreed that Child Protection procedures need to be followed the designated person will inform the Headteacher and ask them to notify the employee that an allegation has been made against them and to advise him/her to contact their professional association if appropriate
- A Child Protection investigation may need an initial investigation by the police or Local Authority or a joint investigation
- Any such investigation takes precedence to any possible disciplinary issues or action that the school wishes to take
- The investigation will be undertaken in line with the relevant Safeguarding Children's Board procedures which may include a strategy meeting or strategy discussion including relevant personnel

Details of the complaint must be regarded as strictly confidential and not to be extended beyond those involved in the investigation to date. The Headteacher is responsible for ensuring that confidentiality is maintained within the school at all times. The Designated Safeguarding Lead of the JMAT must be informed.

It may be necessary to hold a strategy meeting prior to the investigation taking place. Under such circumstances those present would usually be the LADO, Assessment Team Manager or Social Worker, police representative, JMAT HR representative and Headteacher, as appropriate.

### **Suspension**

Suspension must not be an automatic response when an allegation is reported. If the school 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 only be considered in a case where there is cause to suspect a child or other children at

the school is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal; however, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case.

At the time of discussion with the Local Authority representative, the Headteacher's view will be sought in relation to the risk to other children from the alleged perpetrator.

If the Headteacher has no concerns then the employee should continue working within the school. Provision would need to be made to avoid contact with the victim where possible. Suspension may be used, having due regard to the advice of the JMAT human resources advisers.

If the Headteacher has concerns about the welfare of the alleged victim or any other pupil then steps will be taken to suspend the employee in accordance with the appropriate disciplinary procedure.

The school should consider the potential permanent, professional and reputational damage to teachers that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.

LA children's social care services or the police cannot require the school to suspend a member of staff or a volunteer, although the school should give appropriate weight to their advice.

If a Local Authority representative or police have concerns about the safety of others but the Headteacher is not in agreement, they may inform the CEO of the JMAT of their concerns and request a revision of the decision.

The Local Authority will liaise with the police and keep the Headteacher informed of the situation.

### **Cases where crimes may have been committed**

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.

Where the involvement of children's social work services is not required, as the pupil is not assessed to be at risk of significant harm, but a police investigation continues, the LADO should agree with the police, the school and any other agency involved with the child, the nature of the allegation and how this must be addressed.

This joint evaluation discussion must take place within one working day of the referral and must consider how to progress enquiries e.g. a criminal process parallel with a disciplinary process or whether disciplinary action needs to be suspended until police enquiries/prosecution are completed.

These investigations must be reviewed by the police no later than four weeks after the joint evaluation discussion has concluded and, thereafter, at fortnightly or monthly intervals.

If the police and/or the Crown Prosecution Service (CPS) decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should pass all information they have which may be relevant to a disciplinary case to the school without delay. In those circumstances, the **Headteacher** should deal with the case in consultation with the LADO.

If the person is convicted of an offence, the police should also inform the employer straight away so that the appropriate action can be taken.

### **Allegations which are likely to necessitate an immediate referral to child protection**

The following situations will require immediate referral to child protection:

- Where the pupil has suffered, is suffering, or is likely to suffer significant or serious harm
- Where the pupil alleges that a criminal offence has been committed
- Any allegation of a sexual nature

The **Headteacher** should be aware that some other complaints may also be regarded as child protection issues and, therefore, each complaint should be carefully considered in consultation with the LADO before taking any action.

Where allegations of the above are referred to children's services, subsequent action will be in accordance with the Rotherham/ Doncaster Safeguarding Partners procedures.

### **Strategy meeting**

A strategy meeting will be convened within one working day of the referral being made and chaired by the child protection and review unit.

The LADO and all relevant personal including, where appropriate, the **Headteacher** and the JMAT HR advisor, should attend this meeting in order to share information and participate in the planning of any enquiries.

The strategy meeting will be conducted in accordance with RSCP/DSBP procedures.

The purpose of the strategy meeting is to:

- Consider the risk to the pupil directly involved and other pupils.
- Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
- Determine the need for investigation and who is responsible for carrying it out.
- Plan the investigation/enquiries and set timescales for tasks to be undertaken.
- Consider whether any other children are affected by the allegations e.g. the person's own children, grandchildren, or other children in the agency setting such as children placed with foster carers, childminders, or youth clubs.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Decide how regular information and support will be provided to the child and family and by whom.
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation (Section 47 Enquiry) and disciplinary processes.
- Consider the need to inform relevant parties.
- Jointly consider how to manage any media interest.
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with pupils; this may change as the investigation progresses and should be reviewed regularly.
- Consider the appropriate course of action if the allegation is against a governor, a temporary member of staff or a supply teacher.

Attendance will be determined by the schools procedures but will usually include representatives from children's services.



The member of staff who is the subject of the allegation will not be invited to attend the meeting; however, the strategy meeting will agree when and how the member of staff will be informed.

The minutes of the strategy meeting will be circulated by the chairman of the meeting to relevant parties.

### **Communication following the strategy meeting**

The following people should be informed of the outcome of the strategy meeting:

- The pupil making the allegation and their parents should be informed of the likely course of action and that the matter is confidential and must not be discussed.
- The member of staff against whom the allegation has been made should be informed of the likely course of action – a record should be kept on the individual's personal file.
- The **Chair of Governors** should be informed of the likely course of action.

Subsequent strategy meetings should be held fortnightly, or at a minimum monthly, to review progress.

### **Actions on completion of the investigation**

On completion of the Child Protection investigation there should be a review meeting between appropriate staff in the Local Authority, police, the Headteacher and the JMAT HR adviser to share findings:

- to consider the possible prosecution of the alleged perpetrator and internal disciplinary procedures
- to consider communication to the parents

The LADO will liaise with the Headteacher and others involved in the review to discuss the findings of the investigation with them. It is then for the Headteacher, in consultation with the relevant officers, to determine the appropriate course of any further action. In some circumstances this could lead to disciplinary action. If this is the case the Headteacher may then liaise with the JMAT HR advisers.

The designated person will then write to the alleged perpetrator, parents and Headteacher informing them of the outcome of the investigation.

If the police and/or the Crown Prosecution Service 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 Headteacher within three working days of the decision. In those circumstances the Headteacher and the LADO should proceed as described above.

In any case in which Children's Social Care has undertaken enquiries to determine whether the pupil or pupils 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 and the Headteacher should request this information.

Depending on the outcome of any disciplinary action and what form this will take will dictate the LADO discussion records (**Appendix 1**) and summary (**Appendix 2**) kept on the employee's staff file.

### **Low Level Concerns**

The term 'low level' does not mean that the behaviour is insignificant, simply that it doesn't meet the threshold for harm. 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 school may have acted in a way that:

- is inconsistent with the JMAT Staff Code of Conduct, including inappropriate conduct outside of work

- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

KCSIE gives examples of such 'low-level' concerns which 'could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

As a Trust we will ensure our leaders and staff:

- are clear about what appropriate behaviour is, and can confidently distinguish appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others. Such behaviour may range from the inadvertent or thoughtless, may look inappropriate under certain circumstances, through to that which is ultimately intended to enable abuse
- are empowered to share any low-level safeguarding concerns with the DSL or Deputy
- address unprofessional behaviour and support the individual to correct it at an early stage
- provide a responsive, sensitive and proportionate handling of such concerns when they are raised
- help identify any weakness in the school safeguarding system.

It is crucial that any such concerns, including those which do not meet the allegation/harm threshold (KCSIE Part four) are shared responsibly with the DSL/Headteacher, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools from potential false allegations or misunderstandings.

If a discussion between the employee and Headteacher takes place following LADO advice, a LADO discussion form must be completed (see Appendix 1) and kept in a separate file pertaining to allegations that do not meet the harm threshold.

### **Meetings/discussions in relation to allegations against staff in their personal lives**

If an allegation arises about a member of staff (including supply staff, agency staff, volunteers and governors) outside of their work with children, and this may present a risk of harm/risk of harm to child/ren for whom the member of staff is responsible through their employment, a meeting/discussion should be convened to decide whether the concern justifies:

- the LADO approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or
- Inviting the employer to a further meeting / discussion with the LADO about dealing with the possible risk of harm.
- It is not within the LADO role to contact or meet the alleged member of staff directly.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint meeting/discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering. In these circumstances, a meeting / discussion should be convened by the LADO to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

### **Monitoring progress**

The LADO should regularly monitor the progress of cases, either by reviewing strategy meetings, or by liaising with the police and/or children's social work services colleagues or the school, as appropriate.

Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

## **Referral to DBS/DfE**

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

## **Allegation against the Headteacher**

When the allegation is made about the Headteacher, the Chair of Governors/Safeguarding Governor should make direct contact with the CEO of the JMAT and thereafter the LADO.

The CEO of the JMAT will appoint an Investigating Officer who will, with the support of HR, follow procedures in relation to discussion with the LADO to determine whether thresholds for child protection are met.

The JMAT CEO will contact the Headteacher to inform them of the allegation. If the allegation falls into the category of inappropriate behaviour the CEO of the JMAT may obtain support from HR about how best to proceed.

If the allegation is treated as a Child Protection referral the normal procedures will apply, with the CEO of the JMAT taking the Headteacher's role in the investigation.

The CEO of the JMAT will consider the need for suspension with the support of the JMAT HR advisers.

## **Supply Teachers**

When a supply teacher is contracted to work in the school, the Headteacher should ensure that the supply teacher is made aware of the school's procedure in relation to care and control of pupils, including the use of physical intervention and child protection procedures.

Where there is an allegation about a supply teacher the Headteacher will usually take the lead [in any investigation] because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor will they have all the relevant information required by the LADO as part of the referral process.

## **The Role of the Board of Directors and/or Local Governing Body**

Issues relating to allegations are of a confidential nature in accordance with the local authorities Child Protection Procedures and information should only be shared on a "need to know" basis. For example, it will be appropriate for the Headteacher to share issues about the impact of any allegation on the school community confidentially with the CEO of the JMAT/Chair of LGB.

Other members of the JMAT Board and LGB will receive a relevant factual statement provided by the HR advisors to the school. It is important that other members of the LGB should neither become involved in, nor have details linked to, the allegations. Any such knowledge would prejudice their possible involvement in any future appropriate action, which the LGB or JMAT Board may be advised to take. In addition, the JMAT has to be clear that it is not taking any action that would prejudice the position of the individual under investigation.

When the allegation refers to the Headteacher, the CEO/Chair of the LGB will be involved, as outlined above. When the outcomes of the investigations are known and it is appropriate for the CEO/Chair of LGB to deal with the matter, the CEO/Chair will then decide the course of action to be taken. This will be within the school's agreed procedures.

No other members of the LGB/Board of Directors should be involved in any proceedings before this stage

in case they are required for a subsequent disciplinary appeal. In the event of the CEO being unavailable the Deputy CEO would be expected to act on behalf of the trust.

## **Contractors Working in the School**

When an allegation is received in relation to a contractor working in school, it is expected that those issues which are of a child protection nature should be referred to the MASH or police.

## **Organisations using school premises**

If there is an allegation relating to an incident where an individual or organisation is hiring your school premises for activities for children, you should follow your safeguarding policies and procedures and inform the local authority designated officer (LADO), as you would with any safeguarding allegation.

## **Keeping records**

It is important that a clear and comprehensive record of any allegation is made even if police/disciplinary action is not taken or proven. This should include details of the allegation, how the allegation was followed up and resolved, and a note of any action taken, including any sanctions imposed. See [Appendices 1 and 2](#) for relevant records of discussion and summary.

The record should be kept on the member of staff's personal file.

The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the school.

It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS, if requested, due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction.

The record should be retained until normal retirement age or for 10 years; whichever is the shortest period of time.

## **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.

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 might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand).

The school should take advice from the LADO, police and local authority 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.

Any enquiries from the press should be directed to the **Chair of Governors** unless it is a freedom of information or data protection request, in which case the school, JMAT HR advisors or legal representative should be contacted.

## **Action to be taken in respect of false allegations**

If an allegation made by a pupil is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation is in need of services or may have been abused by someone else.

In the case of a pupil deliberately inventing or making a malicious allegation, the **Headteacher** should consider talking action in accordance with the Behaviour Policy.

If it is clear to the **Headteacher** and the LADO that the allegation is demonstrably false or unfounded, the member of staff should be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.

Where appropriate, and if requested, support should be offered, which could include occupational health and counselling services.

If an allegation made by a member of staff is proved to be false and/or malicious, an investigation should take place in accordance with the school Disciplinary Policy and Procedures. The police may also consider taking action against the individual making the allegation.

Documentation should be retained on the employee's personal file to demonstrate that the allegation was malicious.

## **Learning lessons**

Where an allegation has been made against a member of staff, lessons can be learned, whether the allegations are proven or not. At the conclusion of a case, relevant parties should discuss what can be learned and, therefore, lead to improved practice, either to the school procedures or to help prevent similar events in the future. The LADO and the **Headteacher** should review the case.

## **Resignations and 'compromise agreements'**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

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 person should be given a full opportunity to answer the allegation and make representations about it.

The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue even if representations cannot be given or the person does not cooperate. 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.

## **Supporting those involved**

### **Duty of care**

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and

potentially for their family members. It is important that school/JMAT offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The JMAT recognises that it has a duty of care to its staff. We will:

- manage and minimise the stress caused by the allegation
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary
- advise the individual to contact their trade union representative, or a colleague for support
- appoint a named representative to keep the person informed about progress of the case
- provide access to counselling or medical advice where appropriate.
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence

Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible
- The Headteacher/DSL will consult the LADO and where involved children's social care and/or the police on what information can be disclosed
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress

## **References**

Cases in which an allegation was proven to be 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.

## **Monitoring, Evaluation and Policy review**

The policy will be promoted and implemented throughout the JMAT schools.

This policy will be assessed for its implementation and effectiveness **annually** by the **Trust Safeguarding Lead**.

The scheduled review date for this policy is **September 2024**.

**APPENDIX 1**

**ALLEGATIONS AGAINST STAFF (LADO)**

**RECORD OF DISCUSSION AND RISK ASSESSMENT**

<b>Name of school</b>	
<b>Name of person conducting discussion and risk assessment</b>	

<b>Employee personal details</b>	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="checkbox"/>	
Full name:	
Position held:	
Date of discussion:	
Reason for discussion:	
Date LADO contacted:	Name of LADO:
Summary of advice: (e.g. school level discussion, refer to MASH, etc)	

Question	Applicable	Comments
Does the LADO have an objection to the employee continuing to work during the investigation?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Did the employee declare the issue independently?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Have there been any previous concerns around the conduct of the individual?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Has the employee accepted that the information provided is correct?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	

Is there any information at this stage to support the allegation?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Has the employee breached or potentially breached statutory guidance and/or safeguarding policy?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
What is the nature of the contact the individual has with children?		
Can any safeguards be implemented to reduce/remove any risk, e.g. no unsupervised contact? If yes, give details.	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	

To be completed by Headteacher

<b>Do I believe that children in school are at risk of significant harm?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Is the allegation so serious that it might be grounds for dismissal?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Decision on whether to undertake a precautionary suspension from duty?</b>	Suspend <input type="checkbox"/> Not suspend <input type="checkbox"/>

<b>Trust advice sought :</b>	<b>Name:</b>	<b>Date:</b>
<b>HR Advice sought:</b>	<b>Name:</b>	<b>Date:</b>
<b>Headteacher</b>	<b>Signed:</b>	<b>Date:</b>
<b>LADO discussion record completed:</b>	<b>Date:</b>	<b>Date LADO summary completed:</b>
<b>Additional comments from the Headteacher:</b>		



## APPENDIX 2

### SUMMARY OF CHILD PROTECTION ALLEGATION/CONCERN

<b>Name of school:</b>	
<b>Name of person:</b>	
<b>Date:</b>	
<b>Name of Headteacher:</b>	

#### Explanatory statement

This statement is made in accordance with 'Working Together to Safeguard Children' HM Government 2018 and Keeping Children Safe in Education 2022

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept on an employee's confidential personnel file, (or in the case of a volunteer, confidentially stored by the school), and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. In cases where an allegation was proven to be unsubstantiated, unfounded, malicious or false should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, unfounded or false should also not be included in any reference.

This record should be retained at least until you have reached retirement age or for a period of 10 years from the date of the allegation if that is longer.

<b>Summary of Allegation/Concern:</b>	
<b>Summary of LADO contact and advice, support and guidance given:</b>	
<b>How was the allegation followed up?</b>	
<b>The outcome of the investigation:</b>	

<b>The action taken and decision reached:</b>	
<b>What learning has come from the allegation/concern?</b> (include from Trust, school and employee perspective, such as training to be completed, change to policy/procedure)	
<b>Further advice sought:</b> (from Trust, HR, etc)	
<b>Employee Comments:</b>	

<b>Signed by:</b>	
<b>Headteacher:</b>	<b>Date:</b>
<b>LADO (where consulted):</b>	<b>Date:</b>
<b>Employee:</b>	<b>Date:</b>
<b>Additional comments from the Headteacher:</b>	

## APPENDIX 3

Formal action concerning	Authority to suspend an employee	Carry out an Investigation	Chair a hearing where the possible outcome is not dismissal	Chair an appeal hearing (except where the employee was dismissed)	Chair a hearing where a possible outcome is dismissal	Chair an appeal hearing where the employee has been dismissed
All employees except those listed below	Executive Headteacher/ Head of School/ Headteacher	Either the Head of School/ Headteacher or an employee authorised by them of at least line management level	Executive Headteacher/ Headteacher if not previously involved or a Panel of three from the Local Governing Body	Panel of three from the Local Governing Body who have not previously been involved.	Panel of three, two from the Local Governing Body and one JMAT Director	Panel of three, two from the Local Governing Body and JMAT Director who have not previously been involved
Head of School/ Headteacher	Chair of Governors in consultation with an JMAT Director	Executive Headteacher or a Governor from the Local Governing Body	Panel of three from the Local Governing Body	Panel of three from the Local Governing Body who have not previously been involved	Panel of three, two from the Local Governing Body and one JMAT Director	Panel of three, two from the Local Governing Body and one JMAT Director who have not previously been involved
Executive Headteacher  CEO	Chair of the JMAT Directors	JMAT Director or a Governor from the Local Governing Body	Panel of three, made up of either members of the Local Governing Body and/or JMAT Directors. Must include at least one JMAT Director	Panel of three JMAT Directors who have not previously been involved	Panel of three, made up of either members of the Local Governing Body and/or JMAT Directors. Must include at least one JMAT Director	Panel of three JMAT Directors who have not previously been involved

## APPENDIX 4

### DISCLOSURE OF CRIMINAL RECORDS FROM DBS RECORD OF DISCUSSION AND RISK ASSESSMENT

<b>Name of school</b>	
<b>Name of person completing risk assessment</b>	

<b>Employee personal details</b>
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="checkbox"/>
<b>Full name:</b>
<b>Position held/applied for:</b>
<b>Date of risk assessment:</b>

**Please note** - the information obtained from this risk assessment process will form the main basis for deciding whether proposed employment continues/is granted; therefore, it is in the best interests of all parties (both the applicant and manager/headteacher) that the risk assessment form is completed in full and that a full account is given of any matters which have been disclosed.

Question	Applicable	Comments
Did the applicant declare the matters on the DBS disclosure application form and/or the application form?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does the individual agree that the information detailed on the DBS certificate is correct?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Has the individual expressed regret at their actions? Would they do anything differently now?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Have the individual's circumstances changed since the conviction, e.g. location, friends, partner, education?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Are/Were there any mitigating circumstances, e.g. peer pressure, financial need or lack of judgement?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	

Do the matter(s) disclosed form any pattern, e.g. is there a cycle or history, reoccurrence, repeat offences?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
What is the nature of the contact the individual has with children and vulnerable adults?		
Can any safeguards be implemented to reduce/remove any risk, e.g. no unsupervised contact?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Will the nature of the post present any realistic opportunities for re-offending?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	

**Declaration by applicant and any additional comments in support of their employment**

I understand that any offer of employment (paid or voluntary) will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature of applicant:

Date:

Additional comments from the Headteacher: