



# DEALING WITH ALLEGATIONS OF ABUSE AGAINST MEMBERS OF STAFF AND VOLUNTEERS

in  
Diocese of Salisbury Academy Trust

This model policy will apply to both teaching and non-teaching staff

**For adoption and implementation from**

**Approved**

**Amended after HR circulation**

This policy is a model policy that  
must be reviewed and  
customised by each LAB as  
appropriate.

## 1 INTRODUCTION

- 1.1 All children and adults have a fundamental right to be protected from harm.
- 1.2 Diocese of Salisbury Academy Trust (DSAT) and Local Advisory Board (LAB) of **<Academy>** have a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment (section 175/157 of the Education Act 2002). **<Academy>** recognises the importance of identifying where there are child welfare concerns and will take actions to address them, in partnership with other organisations where appropriate, and in accordance with their local inter-agency procedures.
- 1.3 **<Academy>** staff have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children.
- 1.4 Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious.
- 1.5 To fulfil its commitment to the welfare of children, DSAT and **<Academy>** has a procedure for dealing with allegations of abuse against members of staff and volunteers.
- 1.6 The procedure aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- 1.7 In the event that a member of staff does not wish to report an allegation directly, or they have a general concern about malpractice within the **<Academy>**, reference can also be made to the DSAT Whistle Blowing Policy.
- 1.8 The procedure complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant statutory guidance and in the local inter-agency procedures.
- 1.9 The policy should be read in conjunction with the DSAT Whistleblowing Policy and Code of Conduct Policy.
- 1.10 A summary of the procedure can be found at Appendix A to this document.

## 2 SCOPE

- 2.1 The procedure applies to all adults employed by the school or all adults volunteering in the school.
- 2.2 The procedure is recommended to all DSAT Academies for adoption.

## 3 GENERAL PRINCIPLES

- 3.1 The following procedure should be used in respect of all cases in which it is alleged that a member of staff or a volunteer in the school has:
  - behaved in a way that has harmed a child, or may have harmed a child, or;
  - possibly committed a criminal offence against or related to a child, or;
  - behaved towards a child or children in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children.

- 3.2 In addition, the procedure also applies if a concern arises about a member of staff in his/her private life which indicates that s/he would pose a risk of harm if they work regularly or closely with children.
- 3.3 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Even allegations that appear less serious must be followed up and taken seriously. This procedure aims to provide effective protection for the child and support for the person who is the subject of the allegation.

#### 3.4 Timescales

- 3.4.1 It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation and avoid unnecessary delay. Indicative timescales for each stage of the process are set out in section 4. However, it is recognised that the time taken to investigate and resolve individual cases may depend on a variety of factors, including the seriousness and complexity of the case.

#### 3.5 Confidentiality

- 3.5.1 Whilst an allegation is being investigated, every effort should be made to maintain confidentiality. It might be necessary however, for staff to be informed so far as is necessary, particularly in the case of allegations involving Principals/Headteachers.
- 3.5.2 Consideration will also need to be given as to whether to make a brief statement to parents of children in the school to provide an element of reassurance and to continue to provide information throughout the investigation.
- 3.5.3 The police will not normally provide any information to the press or media that might identify an individual, unless or until the person is charged with a criminal offence.

#### 3.6 Information sharing

- 3.6.1 During an initial evaluation of the case, or strategy discussion (see section 4.3.4), the agencies concerned should share all the relevant information that they have about the person who is the subject of the allegation and about the alleged victim.
- 3.6.2 If applicable and where possible, the police and children's services social care should obtain consent from the individuals concerned to share the statements and evidence they obtain during the course of their investigations with the **<Academy>** for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. When considering further action, schools should therefore take account of any relevant information obtained in the course of those enquiries.

#### 3.7 Suspension

- 3.7.1 Suspension should not be seen as an automatic response to an allegation. A person must not be suspended without careful consideration, taking into account the seriousness and plausibility of the allegation and the risk of harm to the pupil concerned. Suspension should therefore be intended as a safeguard for both the child making the allegation and the member of staff against whom the allegation has been made.
- 3.7.2 In general, suspension should only be considered in any case where there is cause to suspect a child is at risk of significant harm, it is necessary to allow any investigation to continue unimpeded or is so serious that if proven it might be grounds for dismissal.

- 3.7.3 The power to suspend is vested in the Principal/Headteacher or Executive Principal in consultation with DSAT HR. However, it would be appropriate for the views of the police / children's services social care to be canvassed prior to any final decision being made as to whether to suspend a member of staff. In any event, suspension should only follow after discussion with the Local Authority Designated Officer (LADO) and DSAT HR.
- 3.7.4 If the initial suspension meeting takes place prior to the strategy discussion, care should be taken in relation to the amount of information given to the member of staff.
- 3.7.5 Academies should also consider whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence, additional supervision, undertaking different duties at school or at home.
- 3.7.6 A decision to suspend can be made at any stage during the investigation process, reviewed in the light of new evidence and should be carried out in accordance with the procedure set out in the DSAT Disciplinary Policy.
- 3.7.7 Suspension or alternative measures should be in place for as short a length of time as possible and if it is agreed that a member of staff is to return to work, careful planning needs to take place to ensure the situation is managed as sensitively as possible.

### 3.8 Records

- 3.8.1 It is important that a clear and comprehensive summary recording the outcome of any allegations is kept on a person's file and a copy provided to the individual.
- 3.8.2 All documents relating to an investigation must be retained until at least the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer. This includes all allegations, even if unfounded or false but not malicious (refer to definitions at Appendix B). Details of allegations found to be malicious should be removed from the individual's personnel file. This enables accurate information to be given in response to any future request for a reference and will help provide clarity where a future DBS disclosure reveals police information that an allegation was made but did not result in a prosecution or conviction. Such a record also serves to protect the employee from unnecessary re-investigation if allegations resurface after a period of time.
- 3.8.3 Some cases must be reported to the Disclosure and Barring Service (DBS) for consideration of including the person on the barred list or for consideration by the NCTL. (see Step 5, Referral).
- 3.8.4 A copy of the allegation should also be placed on the pupil's file, together with a written record of the outcome.

### 3.9 Support

- 3.9.1 Parents or carers of a child or children involved should be told about the allegation as soon as possible (with the proviso of 4.2.3). They should also be kept informed about the progress of the case, including suspension and told the outcome where there is not a criminal prosecution. This also includes the outcome of any disciplinary process.
- 3.9.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's services social care or the police as appropriate, should also consider what support the child, children and their parents may need.

- 3.9.3 The school should keep the person who is subject of the allegations informed of the progress of the case and consider what other support is appropriate, such as making them aware of the Staff wellbeing service where appropriate. If the person is suspended, they should be kept informed about developments at the Academy. Social contact with colleagues and friends at the school should not necessarily be precluded.
- 3.9.4 A Guidance leaflet (see Appendix 1) will be made available to all staff who are facing an allegation of child abuse. It would also be appropriate for the Academy to ask the individual whether welfare counselling or the support of a medical adviser (Occupational Health) would be beneficial.
- 3.9.5 Depending on the circumstances of the alleged abuse, support for others at the school, both staff and pupils might also need to be considered.
- 3.9.6 If the allegations are unfounded and no action is to be taken against the member of staff – the Principal/Headteacher, Executive Principal or Chair of LAB, in consultation with DSAT HR, should still consider whether counselling and/or informal professional advice might be appropriate for all parties, to help rebuild confidence where necessary. Phased return on full pay for the member of staff could be considered and/or the provision of a mentor. A meeting with the employee and their union representative to discuss such matters would also be helpful.

### 3.10 Resignations

- 3.10.1 The fact that a person tenders their resignation must not prevent an allegation being followed up in accordance with the procedure outlined at section 4.
- 3.10.2 It is important that every effort is made to reach a conclusion in all cases, including any in which the individual concerned refuses to co-operate with the process.
- 3.10.3 Compromise agreements must not therefore be used in any allegation cases.

### 3.11 Oversight and monitoring

- 3.11.1 DSAT HR has overall responsibility for the oversight of the procedures for dealing with allegations and will provide advice and guidance to schools, as appropriate.
- 3.11.2 The LADO will monitor the progress of cases and liaise with the police and other agencies to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.
- 3.11.3 The contact details for the designated LADO are set out at Appendix B of this document.
- 3.11.4 DASAT HR will work with the LADO to ensure the appropriate application of this procedure and will provide specific advice in cases of formal disciplinary action.

## 4 PROCEDURE

### 4.1 Step 1: Reporting of Allegations

- 4.1.1 All allegations should be reported to the Principal/Headteacher immediately, unless the allegation is about the Principal/Headteacher in which case it should be reported to the Executive Principal or Chair of LAB, or DSAT HR.

- 4.1.2 A written, dated record must be made by the Principal/Headteacher, Executive Principal, Chair of LAB or DSAT HR of the allegations as soon as practicable, but within 24 hours.
- 4.1.3 The LADO should be informed of all the allegations that come to the <Academy>'s attention so that they can consult the police and children services social care colleagues as appropriate. If the allegation falls under the remit of 3.1 above, the case should be reported to the LADO and DSAT HR on the same day, where practicable.
- 4.1.4 The LADO should also be informed of any allegations that are made directly to the police or children's services social care.
- 4.1.5 The Principal/Headteacher, Executive Principal or Chair of LAB should not investigate the allegation at this stage. However, serious consideration will need to be given as to whether it is appropriate to suspend the individual concerned (reference 3.7).

#### **4.2 Step 2: Informing relevant parties**

- 4.2.1 The Principal/Headteacher, Executive Principal or DSAT HR should inform the accused person about the allegation as soon as possible **after** consulting the LADO and subject to 4.2.3 below. If the person is a member of a union or professional association, they should be advised to contact that organisation.
- 4.2.2 If the parents/carers of the child concerned are not already aware of the allegation, the LADO should also discuss with the Principal/Headteacher, Executive Principal or DSAT HR how and by whom they should be informed.
- 4.2.3 However, where a strategy discussion is needed, or the police or children's services social care need to be involved (see 4.3.4 below), the Principal/Headteacher should not inform the relevant parties until those agencies have been consulted and agreed what information can be disclosed.

#### **4.3 Step 3: Initial Evaluation**

- 4.3.1 There may be up to 3 strands in the consideration of an allegation:
  - a police investigation of a possible criminal offence;
  - enquiries and assessment by children's services social care about whether a child is in need of protection or in need of services;
  - consideration by the school of disciplinary/capability action in respect of the individual.
- 4.3.2 DSAT HR should discuss the matter with the Principal/Headteacher/ Executive Principal, establish that the allegation is within the scope of these procedures and where necessary, obtain further details of the allegation and the circumstances in which it was made.
- 4.3.3 Consideration should also be given as to whether any other children may be likely to be at risk, in the light of the allegation and whether it might be necessary to review any previous allegations made.
- 4.3.4 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will contact children services social care and ask for a strategy discussion to be convened straight away. The focus of this discussion will be on the needs of the child or children who may be at risk.

- 4.3.5 The strategy discussion should include the LADO, DSAT HR and the Principal/Headteacher, Executive Principal or Chair of LAB and take account of information that the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.
- 4.3.6 If the 'threshold of significant harm' has not been reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the police, school and other agencies to evaluate the allegation and decide how best to deal with it.
- 4.3.7 If the allegation is about physical contact, the strategy discussion or initial evaluation should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances (see also DSAT Code of Conduct Policy).
- 4.3.8 However, the police must always be consulted about any case in which a criminal offence may have been committed.

#### **4.4 Step 4: Action following initial evaluation**

- 4.4.1 If the child or children appear to be at risk of significant harm and in need of protection, there should be an urgent referral to local child protection agencies in accordance with the agreed procedures.
- 4.4.2 If as a result of the strategy discussion, there is reasonable belief to suggest that a criminal offence has been committed, the police will carry out a full investigation as outlined in section 4.6.
- 4.4.3 Where the initial consideration decides that the allegation does not involve a possible criminal offence or that there is no significant risk to the child, DSAT HR should discuss the next steps with the Principal/Headteacher, Executive Principal or Chair of LAB and institute action as appropriate within 3 working days.
- 4.4.4 The options open to the school depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal.
- 4.4.5 DSAT HR should continue to liaise with the school to monitor the progress of any case and provide advice and support as necessary. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

#### **4.5 Unfounded, Unsubstantiated, False and Malicious allegations (refer to Appendix B for definitions)**

- 4.5.1 If the allegation is considered to be false, the LADO should refer the matter to children's services social care to determine whether the child concerned is in need of services, or may have been abused by someone else.
- 4.5.2 In respect of malicious allegations, consideration should also be given to whether disciplinary action against the pupil who made the allegation is appropriate.
- 4.5.3 The member of staff should be informed of the allegation verbally and in writing, if this has not already been done in line with 4.2.1. The suspension should be lifted immediately, if applicable. They should be told of the fact that no further action will be taken in accordance

with disciplinary/child protection procedures and relevant support considered in respect of their return to work as well as other factors as appropriate on a case by case basis.

- 4.5.4 The Principal/Headteacher, Executive Principal or Chair of LAB should also inform the parents of the child or the children of the outcome and consider what counselling and support would be appropriate. Advice and support should be sought from the Local Authority or DSAT HR as appropriate.
- 4.5.5 Any details relating to an allegation that is found to be malicious should be removed from the personnel record. Where an allegation is found to be unfounded or false and a decision is made to take no further action, a written record should be made, including the reason for the decision. A copy of this should be provided to the employee.

#### 4.6 Police Investigation

- 4.6.1 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.
- 4.6.2 A target date should be set for reviewing the progress of the investigation and this should take place no later than 4 weeks after the initial evaluation.
- 4.6.3 When a decision has been made not to charge the individual with an offence or administer a caution, the police should, wherever possible, aim to pass all the information they have to the Academy within 3 working days, as this may be relevant to a disciplinary case.
- 4.6.4 If the person is convicted of an offence the police should inform the school straight away. The action the school might take will depend on the circumstances of the case and consideration will need to be given to the different standard of proof required in disciplinary and criminal proceedings. For example, it may be the case that whilst there is no criminal prosecution that the standard of proof required for employment law purposes deems that dismissal is appropriate.

#### 4.7 Disciplinary Action

- 4.7.1 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days in accordance with DSAT Disciplinary Policy.
- 4.7.2 Notwithstanding 4.6.1 above, if a police investigation is being undertaken, consideration will need to be given as to whether disciplinary action can be taken in parallel with the criminal process, or whether the disciplinary process will need to await completion of the police enquiries and/or prosecution. In cases where a disciplinary investigation/action is undertaken in parallel with the criminal process it will have been agreed with the police that there is no requirement to await the completion of enquiries and/or prosecution.
- 4.7.3 Where further investigation is required to inform consideration of disciplinary action, the Principal/Headteacher, Executive Principal or Chair of LAB should appoint an appropriate level Investigating Officer, in consultation with DSAT HR.
- 4.7.4 If further evidence comes to light during the course of the investigation, referral to child protection agencies may need to be considered.
- 4.7.5 The investigating officer should aim to provide a report to the Academy 10 working days.

4.7.6 Within 2 working days of receipt of the report, the Principal/Headteacher, Executive Principal or Chair of LAB should consult DSAT HR and decide whether a disciplinary hearing is needed. If this is the case, the hearing should be held within 15 working days.

#### 4.8 References

4.8.1 Allegations which are proved to be unsubstantiated, false, unfounded or malicious must not be included in employer references. Nor should a history of repeated concerns or allegations all of which have been found to be unsubstantiated unfounded, false or malicious be included in any reference.

### 5 Step 5: Referral to the Disclosure and Barring Service (DBS)

5.1 On conclusion of the case, where an allegation has been substantiated, the Academy should consult the 'Guidance for making referrals to the Disclosure and Barring Service in order to determine whether a referral needs to be made. Making the referral is the responsibility of the Principal/Headteacher, Executive Principal and DSAT HR will be available for advice.

### 6 Step 6: Formal Review

6.1 In cases where an allegation has been substantiated, the LADO and DSAT HR should review the circumstances of the case with the Principal/Headteacher, Executive Principal or Chair of LAB and determine whether there are any improvements that could be made to the school's procedures/practice, to help prevent similar events occurring in the future.

## Appendix A

# Guidance for Staff who are Facing an Allegation of Child Abuse

### 1. Introduction

These guidelines have been written in order to assist if you are faced with an allegation of abuse, by providing an explanation of the process that will be followed and offering information about appropriate support and guidance.

1.2 Any allegation is likely to cause a great deal of anxiety and concern. These guidelines are designed to enable you to be as well informed as possible.

1.3 Further Information can be found in:

- “Safeguarding Children in Education” DfES/0027/2004
- “Staff Facing an Allegation of Abuse” - Joint NEOST/Teacher Union Guidance September 2002
- DfES Circular 0278/2002 Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service available at: [www.teachernet.gov.uk/management/childprotection](http://www.teachernet.gov.uk/management/childprotection)

1.4 and:

- School/LEA and Area Child Protection Procedures (ACPC) procedures for dealing with allegations against staff
- School/LEA disciplinary procedures

### 2. What Constitutes an Allegation?

2.1 An allegation is any complaint or concern however, and by whoever, raised that might indicate that:

- a person has harmed a child or put a child at risk of harm, or
- has displayed behaviour involving or related to a child that might constitute a criminal offence, or
- has behaved in a way that raises concern about his/her suitability to work with children

### 3. What Happens when an Allegation is Made?

3.1 If it is an allegation of reasonable force to restrain a pupil or is trivial in nature, your manager will deal with the matter. In other cases, your manager should consult the designated LEA Lead Officer to consider whether the school and/or LEA can deal with the matter or whether it needs to be referred to Social Services and the Police for investigation. The Police may advise that you are not told of the allegation immediately.

3.2 From this initial consideration there are four possible outcomes:

- a) It is alleged that the child/young person has suffered, is suffering, or is likely to suffer *significant harm*, in which case an immediate referral will be made under ACPC/LSCB procedures.
- b) It is alleged that a criminal offence has been committed and this will be referred under local child protection procedures with the Police possibly carrying out a criminal investigation.

- c) The allegation may represent poor or inappropriate behaviour and may be considered under local disciplinary procedures.
- d) The allegation is clearly and demonstrably without foundation.

NB. There could be a combination of a) b) and c).

3.3 If the outcome is either a) or b):

The referral should result in a Strategy Discussion taking place with the Police and Social Services. Your manager and the designated LEA Lead Officer for Child Protection will normally be invited to attend. The Strategy Discussion is held under child protection procedures and the primary focus is on the needs of the child. The discussion could take place before you have been made aware of the allegation, but in either case you will not be invited to contribute. The discussion will determine what actions are to be taken next and is not part of any disciplinary procedures.

3.4 The Strategy Discussion will consider not only the child directly involved in the allegation but also any others who could have suffered or are at risk of suffering significant harm. This could include your own children.

3.5 If the outcome is c):

An investigation will be initiated under agreed disciplinary and/or capability procedures.

3.6 If the outcome is d):

You will be informed formally both verbally and in writing of the allegation and that it is without foundation. You should be informed that no further action will be taken and you should be offered support as necessary.

#### **4. What Type of Investigation will be Undertaken?**

4.1 There are three possible types of investigation:

- i) By Social Services, under child protection procedures
- ii) By Police relating to possible criminal offences (see Appendix A)
- iii) By your Employer under disciplinary or capability procedures

NB The above may involve interviews with a number of people, including members of your family, and a joint investigation may be undertaken by Social Services and Police.

4.2 In certain situations the three investigations detailed above may take place simultaneously, but it is more usual that any disciplinary investigation will be held in abeyance until the external agency investigations are complete. Whilst the above investigations should always be conducted as speedily as possible, they should also be balanced against the need for a thorough and fair process, in line with natural justice.

4.3 Statements gathered in external investigations could be used in subsequent disciplinary proceedings.

## **5. What Considerations are Made Regarding Suspension?**

- 5.1 You should not be automatically suspended. Your manager should consult with the LEA Lead Officer and your Human Resources provider and consider recommendations from the strategy meeting, if appropriate, before any decision to suspend is taken.
- 5.2 Suspension is a neutral act, not a sanction, and should only occur where:
  - a) a child or children is/are at risk
  - b) the allegations are so serious that dismissal for gross misconduct is possible
  - c) a suspension is necessary to allow the conduct of the investigation to proceed unimpeded
- 5.3 Where suspension is being considered an interview will be normally be arranged with you and you are advised to seek assistance from your Trade Union. You have the right to be accompanied to the interview by a Trade Union representative or a friend. If you are suspended, one of the roles of the union representative will be to promote your interests and raise issues that may be of concern to you.
- 5.4 The meeting is not concerned with examination of the evidence but rather an opportunity for you to make representations concerning possible suspension.
- 5.5 Alternatives to suspension should always be considered, for example, leave of absence, transfer of duties or additional supervision. If you are suspended you should be kept informed of the position regarding your case by your Employer on a regular basis even if there are no developments to report.

## **6. Who will be Notified?**

- 6.1 Various people will need to be informed that an allegation has been made, regardless of whether a suspension has taken place or not. Decisions will be based on who needs to know and taking into consideration, as far as possible, the issues of confidentiality.
- 6.2 The following individuals *will* be informed that an allegation has been made and the likely course of action:
  - i) The child or young person concerned, his/her “parent(s)” and any party making an allegation
  - ii) You – at the appropriate time
  - iii) Your manager
  - iv) The Chief Education Officer (CEO)
  - v) Senior Management and/or Councillors as determined by the CEO and in accordance with local arrangements
  - vi) The LEA Lead Officer for Child Protection
- 6.3 There may be occasions when the police will need to decide the appropriate timing for the above individuals to be notified, and what information can be shared with them.
- 6.4 Where, unfortunately, the matter becomes common knowledge or subject to speculation it may also become necessary to issue a brief and accurate statement for parents, children and young people and the public. This will be determined by the appropriate individuals following consultation.

## **7. What Support will be Offered to me if an Allegation is Made?**

7.1 You should be:

- a) Advised to contact your Union representative.
- b) Given the name of a work contact, if you are suspended, who will keep you up to date about work activities outside of the investigation. Social contact with colleagues should not be precluded unless it is considered detrimental to the investigation. The type of information and frequency of contact should be agreed between the parties. Colleagues would not be expected to comment on the investigation.
- c) Given the name of a LEA contact who will keep you up to date regarding the progress of the case
- d) Offered the services of the Staff Counselling Service and / or Occupational Health support if available.

7.2 It is clearly recognised that if an allegation is made against you it is a very stressful situation. Not only are you strongly advised to contact your Union representative, but also your GP if you feel your health is being affected.

## **8. What Happens Regarding a Return to Work?**

8.1 If you have been suspended and a decision is made for you to return to work, your Union representative can assist in negotiating and planning this return. This may include discussion of opportunities for future training and development, guidance and support.

## **9. What Records will be Kept?**

9.1 Key documents relating to an investigation, including the outcome should be retained in a secure place by your employer. A limited record should be kept on your personnel file. Other agencies, if involved, will maintain their own records.

9.2 Will I be Notified to the DfES Children's Safeguarding Operations Unit (formerly the Teachers' Misconduct Team)?

9.3 Your employer has a statutory duty to report you to the Children's Safeguarding Operations Unit, for consideration of barring you from, or placing restrictions on, working with children or young people, if:

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

9.4 If you are referred, the Misconduct Team will send you a letter explaining the process, including your right to make representation.

## Appendix B

### Definitions

#### 1.1 Types of Allegation

##### (i) No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.

##### (ii) Unfounded

This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.

##### (iii) Unsubstantiated

This is not the same as a false (malicious) allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation.

##### (iv) Malicious

This means there is evidence to show that there has been a deliberate act to deceive and the allegation is false.

##### (v) False

This means that the allegation has been proved to be untrue.

#### 1.2 DSAT HR

Responsible for liaising with the Principal/Headteacher/designated teacher at the school over matters regarding child protection issues and advice, or in the case of allegations against the Principal/Headteacher, liaising with the LA designated officer over appropriate action to take.

#### 1.3 Local Authority Designated Officer (LADO)

The LADO must be involved in the management and oversight of individual cases which meet the threshold set out at 3.1; provides advice and guidance to employers; liaises with the police and other agencies; and monitors the progress of cases to ensure they are dealt with as quickly as possible, consistent with a fair and thorough process.

The LADO for Academies in Dorset is based in the Safeguarding and Standards Team. Contactable on: **01305 221122**.

The Wiltshire LADOs can be contacted on **01225 713000**.

## Appendix C

### Further Reference documents

#### **Safeguarding Children and Safer Recruitment in Education, January 2007.**

- chapter 5 deals with allegations of abuse against teachers and other school staff.

#### **“Working Together to Safeguard Children 2010 - a guide to inter-agency working to safeguard and promote the welfare of children”, HM Government 2010**

-updated document that sets out how individuals and organisations should work together to safeguard and promote the welfare of children.

#### **Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils DCSF 2010**

- forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil from committing a criminal offence, injuring themselves or others, damaging property, acting in a way that is counter to maintaining good order and discipline at the school.

#### **Allegations against Education Staff – thresholds for and alternatives to suspension, National Network of Investigation & Referral Support Co-ordinators, updated February 2005**

#### **Disciplinary Policy and Toolkit for Schools Based Employees**

#### **Capability Procedure – A Framework for School Based Employees**

**DSAT Whistleblowing Policy** – A Framework by which staff can voice their concerns in good faith about practice within the school without fear of repercussion and in accordance with the Public Interest Disclosure Act 1998.

#### **DSAT Code of Conduct – Guidelines for Safe Working Practice for the Protection of Children and Staff**

**What to Do if you are Worried that a child is Being Abused**, HM Government, 2006.