



DUNKIRK PRIMARY SCHOOL

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Policy on staff allegations

Adopted by the Governing Body of Dunkirk Primary

School:



Nottingham
City Council



Approval:

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Review:

Every three years

To be reviewed by:

Heidi Hollis

Committee responsible:

P&P

Disciplinary Procedure Staff Facing Allegations of Abuse (People Management Handbook for Schools)

1. General principles

- 1.1 All schools and educational establishments have a statutory duty to cooperate with the local authority and its partners to safeguard and promote the welfare of children, through the Children Act 2004 and national guidance Working Together to Safeguard Children and Keeping Children Safe in Education (KCSIE) 2021.
- 1.2 These guidelines have been drawn up in recognition of the particular sensitivity surrounding allegations of abuse by school staff. The guidance is, therefore, intended to meet the requirements of the Nottinghamshire and Nottingham City Safeguarding Children Board Procedures, address management issues and recognise the need for support to be given to the accused employee.
- 1.3 As a general principle, it is recommended that schools seek up to date advice from the LADO and Safeguarding Team, to ensure that the correct action is taken.

2. Introduction

- 2.1 Teachers and school support staff are particularly vulnerable to accusations of abuse from pupils or their parents. Such allegations may be false, malicious or misplaced and may be either deliberate or innocent of such intent. The allegations may also be true. For this reason it is essential that everyone involved maintains an open mind in dealing with such allegations.
- 2.2 There is a need to act speedily and decisively but it is important not to make hasty decisions. Without compromising the need for essential child protection, these guidelines are designed to be consistent with principles of natural justice for all



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concerned. Safeguarding lead officers in schools may wish to contact their Social Care Duty Team for their area (emergency contact 876 1000) for initial advice.

- 2.3 Following these guidelines should help avoid the consequences for both the child and the employee of inappropriate or ill-judged actions that will have disastrous long-term effects.

3. **Allegations**

- 3.1 Safeguarding vulnerable groups is an important responsibility for everyone. All employees are required to notify their head teacher or line manager in all circumstances where allegations of a criminal nature (subject to investigation by the police or other agencies) have been made against them, without delay, whether they personally feel the matter is relevant or not. The matter will be treated as confidential and the head teacher, having sought appropriate advice, will determine what, if any action and support is required.

- 3.2 All allegations of abuse or maltreatment of children by a professional, staff member, foster carer, or volunteer must be taken seriously and treated in accordance with procedures and guidance¹. Allegations or relevant concerns in relation to safeguarding are those that indicate a member of staff in a school may have:

- Behaved in a way that has harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved in a way that indicates that s/he may not be suitable to work with children

- 3.3 On some occasions these allegations may be false and may lead to prosecution of the accuser.

- 3.4 The concern/allegation will usually relate to the person's work or their role as a volunteer. However, there may be occasions where concerns arise outside of work that need to be taken into consideration. These may include:

- the person's behaviour with regard to his/her own children (such as an allegation of harm or an individual whose children are made subject to a child protection plan)
- an allegation that an individual has been involved in some form of criminal activity (e.g. downloading abusive images of children)
- the behaviour in the private or community life of a partner, member of the family or other household member
- a person's behaviour in their personal life, which may impact upon the safety of the children to whom they have a duty of care

¹ Working Together and Keeping Children Safe in Education
25-Jul-23



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- a person in training who may have opportunity to work with children as part of that training or post-training
- 3.5 All Schools are required to act within the Local Safeguarding Children Board ACPC Procedures when abuse is suspected. To support schools in being aware of the appropriate action to take when a teacher or other school employee is accused of abuse against a child, the following guidance should be referred to:
- Nottinghamshire and Nottingham City Safeguarding Children Board Procedures.
 - Safeguarding and Promoting Children's Welfare in Education Settings Practice Guidance' available from the Schools Extranet and the Nottingham City Safeguarding Children Board website.
 - Chapter 7 of the Nottinghamshire and Nottingham City Safeguarding Children Procedures, available to download from the NCSCB website.
 - Whistle Blowing Policy and Procedures
 - KCSIE Part four: *Allegations of abuse made against teachers and other staff*
 - Safeguarding Policy and Procedures
 - Complaints Procedure
- 3.6 The guidance above should be consulted in conjunction with the following legislation which concerns the conduct for teachers, education staff and volunteers when working with young people:
- The Sexual Offences Act (Amended) 2000
 - The Children Act 1989
 - The Children Act 2004
 - Section 175 of the Education Act 2002

4 Initial action on disclosure of an allegation

- 4.1 The person to whom the allegation has been reported, or who has concerns about the behaviour of a member of staff must treat the matter seriously and discuss this immediately with the Head Teacher. An electronic written record of the allegation or concern, detailing when the incident took place, who was present and what happened, must be made as soon as possible, but certainly within 24 hours. The record should be e-signed and dated and reported and emailed confidentially and immediately to the head teacher at the school. If the allegation or concern relates to the head teacher then it must be reported to the governor with responsibilities for safeguarding and the chair of governors.
- 4.2 No promises of confidentiality should be made to pupils who make allegations. Instead, the child should be encouraged to agree that the matter must be taken further in the knowledge of what this may involve. Whilst acknowledging the need to create an environment conducive to speaking freely, it should be made clear to the



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child by the member of staff that in all cases they have a duty to pass on what the child has told them to ensure the protection of the children. The child should be assured that the matter will only be disclosed to people who need to know about it and support may be offered by the school or another appropriate agency. If a decision is made to take no further action, a written record of this should be made including the reason for the decision. All documentation must be kept in a secure place.

4.3 A child reporting to a member of staff that they have been abused by another member of school staff must be listened to. In order not to prejudice the case when dealing with a child who is making such an allegation, the following guidance should be taken into account:

- Listen but do not interview the child or ask them to repeat their account.
- Do not ask leading questions.
- Do not interrupt
- Make careful notes. As far as possible details such as date, time, setting, who was present and what was said should be recorded in the child's own words, as near verbatim as possible.
- Take care not to make assumptions about what the child is saying or to make interpretations
- Do not offer suggestions or alternative explanations for the child's concerns.
- The written record of the allegations should immediately be given to the designated teacher and be signed and dated.
- All subsequent actions must be recorded in writing and dated.

4.4 A teacher or member of support staff receiving an allegation of abuse against another member of staff at the school must report this immediately to the head teacher, or where the allegation relates to the head teacher, the Chair of governors.

4.5 On receipt of an allegation or concern about a member of staff the head teacher or chair of governors should adhere to the following procedures:

- **Inform** - Inform the Local Authority Designated Officer (LADO) or the Safeguarding Coordinator for Education immediately of any concerns/ allegations that appear to meet any of the three criteria described in the introduction section of this guidance. The purpose of informing the LADO and/or Safeguarding Coordinator is so that an initial discussion between the LADO, head teacher and/or relevant governor can take place to consider the nature, content and context of the allegation/concern and agree a course of action.
- **Consider immediate referral** - Some allegations are so serious that they will require immediate referral to the Police and/or Children's Social Care. If emergency action is required to safeguard or protect the child concerned, the usual safeguarding



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procedures will take precedence, although it is expected that the LADO will be informed of such events at the earliest opportunity, and within 24 hours.

- **Record** - The head teacher should, where possible, ensure that details of the concern/allegation have been written signed and dated by the person who receives the allegation (not from the child who made or is the subject of the allegation). These should be countersigned by the head teacher or the relevant governor. Record any information about times, dates, locations and names of potential witnesses
- **Seek advice** - The head teacher or relevant governor must urgently consider whether there are any immediate safeguarding risks to children or whether a criminal offence may have been committed. In such cases it may also be necessary to seek immediate advice from Children's Social Care and/or report the matter to the police.

4.6 It is also important to recognise that establishing whether an allegation warrants further investigation is not the same thing as deciding whether an allegation is well founded. **The head teacher or relevant governor should not investigate the allegation, interview pupils or discuss the allegation with the member of staff until they have discussed it with the LADO.** Instead, they should consider, in consultation with the LADO or Safeguarding Coordinator, whether the allegation requires further investigation and if so, by whom.

4.7 Should the case attract media enquiries at this or any stage, immediate advice should be sought from the City Council's Press Office, or suitable advisor to the academy, before any information is given or statements are made. Any briefings to staff and governors should emphasise the need to avoid breaches of confidentiality and/or media coverage. Staff have the protection of the Human Rights Act 2000 in relation to their privacy regarding such allegations.

5. Initial assessment of the allegation

5.1 Where an allegation (anonymous or otherwise) is made against a school employee it will be necessary for the head teacher to make an urgent initial assessment of the situation in consultation with the LADO. If a child makes an allegation that is considered to be a potential criminal act within the scope of the child protection legislation or indicates that they have suffered, are suffering or are likely to suffer significant harm, the matter must be referred immediately in line with the local safeguarding and child protection procedures to the police and or Children's Social Care.

5.2 It is recognised that in some circumstances the allegation or concern may not warrant referral or an investigation coordinated by the LADO. For example:



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- 5.3 Where the allegation clearly relates to the use of reasonable force to restrain a pupil, in accordance with DfE guidance (link <http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force>), it might be appropriate for the head teacher to deal with the matter at school level, although where there is a dispute that the restraint was reasonable a discussion with the LADO/ Safeguarding Coordinator would be advised. An allegation of assault beyond the use of reasonable force must be dealt with in accordance with the Nottingham City Safeguarding Children procedures described above.
- 5.4 Where, following initial consideration by the head teacher and the LADO/ Safeguarding Coordinator, it is absolutely clear that the allegation is demonstrably false i.e. the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, the matter can be dealt with at school level. However, there may be other issues relating to the child's needs which should be addressed in consultation with Children's Social Care or other appropriate agencies.
- 5.5 The allegation may represent poor practice or professional conduct issues by a member of staff and development needs should be explored. In more serious cases the school's disciplinary procedures should be considered.
- 5.6 Many allegations do not require immediate protective or other actions but are rarely so straightforward as to allow the drawing of immediate conclusions. There should always be an immediate discussion with the LADO/ Safeguarding Coordinator to ensure decisions are made objectively as possible.
- 5.7 The following issues will be considered within the discussion:
- Whether it is a matter that can be properly dealt with under the school's disciplinary procedures or whether the police and/or social care need to be involved.
 - How and by whom the parents/ carers of a child should be informed. In some circumstances parents/ carers should be informed straight away, for example if the child is injured and requires medical attention.
 - How and by whom the member of staff subject to the allegation should be told about the allegation.
 - What support the child and their parent/ carer might require,
- 5.8 Following the initial assessment and discussion with the LADO/ Safeguarding Coordinator, a decision will be made as to the appropriate course of action.
- 5.9

Update KCSiE 2021 Part 4: handling allegations against staff



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Part 4 has been split into two sections covering the two levels of allegation - those that meet the harms threshold and those that don't.

Allegations that may meet the harms threshold: initial response (paragraphs 338 to 350)

The updated guidance explains that:

- You should do basic enquiries in line with local procedures to establish facts before contacting the local authority designated officer (LADO)
- A case manager (likely the headteacher or principal) will lead any investigation
- The case manager should discuss any concerns about the welfare of other children in the community or member of staff's family with the DSL, and make a risk assessment. The DSL may then need to make a referral to children's social services
- The last bullet point in paragraph 339 refers to behaviour that may have happened outside of school, that might make an individual unsuitable to work with children (known as transferrable risk) and where appropriate you should carry out an assessment of transferrable risk

The updated paragraphs explain that:

- As another alternative to suspending a member of staff, you should consider moving the child to a class where they won't come into contact with the staff member
- No information about the staff member involved can be shared with other staff or parents not directly involved
- For reports found to be 'unsubstantiated, unfounded, false or malicious', it is the DSL that will consider the appropriate next steps
- For reports found to be 'deliberately invented or malicious', it is the school that should consider possible disciplinary action in line with its behaviour policy
- You should remove details of allegations from personnel records, when allegations are found to be false (previously this only applied to allegations found to be 'malicious')

New guidance on allegations that don't meet the harms threshold ('low level' concerns) (paragraphs 406 to 427)

This new paragraphs explains:

- You should have policies and processes in place to manage concerns and allegations that don't meet the 'harms threshold' to take appropriate action to safeguard children
- School promotes an open and transparent culture where all levels of concern are shared and dealt with promptly and appropriately



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Where a concern is deemed to be of a 'low level' this should still be reported and recorded. Records will be reviewed so that patterns of concerning behaviour can be recognised and action taken. Low level concerns may include:

- Being over friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child one to one in a secluded area or behind a closed door
- Using inappropriate language
- Low level concerns are reported to the Head Teacher and information stored confidentially in individual staff files

6. Referrals to Children's Social Care and the police

- 6.1 The immediate priority must be to determine whether a child has suffered or is at risk of significant harm and/ or in need of protection. If this appears to be the case there should be an immediate referral to Children's Social Care in accordance with the Nottingham City Safeguarding Children Procedures.
- 6.2 Where allegations of abuse are referred to the Children's Social Care or the police, subsequent action will be in accordance with local safeguarding and child protection procedures. Early action to establish the nature of the allegation and consideration of whether it should be investigated should be undertaken in such a way that it does not prejudice any subsequent action. There must be no interference with evidence e.g. school staff or governors should not attempt to interview children about these matters, without first having discussions with the LADO or Local Authority Safeguarding Coordinator. ([Paragraphs 4.2, 4.3 and Section 14](#) give further guidance on listening to and interviewing children.)
- 6.3 In some cases the police might wish to interview the member of staff against whom the allegation is made before any approach is made by the head teacher (or chair of governors in cases where allegations involve the head teacher). The police may act independently particularly where the alleged offence does not arise from the individual's professional duties in the school. Police Officers should be given every assistance with their enquiries, but confidentiality about the enquiries should be maintained, in the individual's interests.



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- 6.4 Interviews with the police will normally be held at a police station.
- 6.5 The police may decide that the investigation would be hindered by an approach to other parties at an early stage. The head teacher in consultation with the LADO or Local Authority Safeguarding Coordinator must ensure there is no objection by the police before contacting any of the parties involved. Subject to there being no objection, the head teacher (or chair of governors in cases involving allegations against the head teacher) might be asked to:
- inform the child, children or parent making the allegation and explain the likely course of action;
 - ensure the parents of the child who is the alleged victim have been informed of the fact of the allegation and of the likely course of action;
 - inform the member of staff against whom the allegation is made and explain the likely course of action;
 - inform the chair of governors/nominated safeguarding governor for the school.

A written record of the action taken under this section should be made by the head teacher (or nominated governor).

7. Formal enquiries/investigations into the allegations

- 7.1 Where initial discussions conclude that an investigation coordinated by the LADO/ Safeguarding Coordinator is required there will be 3 potential strands:
- police investigations into possible criminal offences;
 - enquiries and assessments conducted by Children's Social Care under local Area Child Protection Committee Procedures (ACPC); or
 - Consideration by the employer (the school/academy) of disciplinary action in respect of the individual. Any investigation by the Police or Children's Social Care will normally take priority over an internal disciplinary investigation by the school. Therefore, all parties must hold any internal investigations in abeyance pending either the completion of the external enquiries or an agreement that the school can proceed with a disciplinary investigation.
- 7.2 Where it is decided that a formal investigation is required to consider the allegation or concern, a multi-agency Strategy Meeting will be held in accordance with the Nottingham Safeguarding Children Procedures. This will usually involve the head teacher (or chair of governors where the allegation is against the head teacher). The purpose of the meeting is to share information about the allegation and to plan what action, if any, needs to be taken.

8. Suspension



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- 8.1 The employee against whom the allegation has been made should **not** be automatically suspended. It is important to inform the HR advisor who will advise on appropriate action regarding suspension.
- 8.2 However, in the case of an immediate referral, in line with [paragraph 6.2](#), immediate suspension may be necessary. Suspension may subsequently be considered at any stage of the investigation if the situation warrants such action to be taken.
- 8.2 A suspension may also be considered at any multi-agency strategy meeting called in relation to the case.
- 8.3 Suspension itself is not a disciplinary sanction and it should not be undertaken without good reason. Alternatives to suspension may include transferring the teacher to other duties/location, removal from contact with the pupil or agreeing a period of paid leave. It is also important to be able to demonstrate that the decision to suspend is based on evidence that the allegations are serious and likely to be substantiated. Circumstances which would normally warrant suspension include:
- where there is evidence that a child continues to be at risk and no other action can be taken to minimise this risk
 - where the allegations are so serious that dismissal for gross misconduct is possible and there is sufficient evidence to suggest that the allegations may be true
 - where it is necessary to allow the conduct of the child protection enquiries/investigation to proceed unimpeded
 - where a police investigation is being undertaken
 - to protect the interests of the employee
- 8.4 The head teacher should then arrange a preliminary interview with the member of staff about whom the allegations have been made. The employee may bring their Trade Union representative or a work colleague to this meeting so long as it does not unduly delay proceedings. Care should be taken at this stage to acknowledge the effect the allegations may have on the individual and to direct them to provide appropriate support and counselling if necessary. The HR advisor can give advice about appropriate strategies to support the employee. The suspension of any employee in relation to such investigations shall be with full pay.
- 8.5 At the outset of the interview the employee should be informed that an allegation has been made and that suspension might occur.
- 8.6 The employee should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with enquiries about the allegation. The meeting is not concerned with an examination of the evidence but is



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an opportunity for the employee to make representations concerning any possible suspension. A brief adjournment should be offered to the employee prior to response.

- 8.7 If, as a result of the interview or following a decision of a strategy meeting that suspension is required, the head teacher considers that a recommendation to suspend is necessary while the enquiries about the allegation are pursued, the employee should be advised accordingly.
- 8.8 Statements made to the police by potential witnesses in disciplinary proceedings, including statements made by the complainant and employee should be made available to local authorities and school on request. Further advice on this can be obtained from the HR advisor who can obtain such evidence on behalf of the school for use in the course of an internal disciplinary investigation.

9. Action following a decision to suspend

- 9.1 Following a decision to suspend pending enquiries/investigation, the head teacher should inform the chair of governors as soon as possible. Further advice on managing the suspension in line with the guidance below can be obtained from the HR advisor.
- 9.2 The head teacher should then take the following actions:
- a. A letter should be sent to the employee advising of the suspension as soon as possible (see Model Letter in Appendix 1). This should normally be the next working day. Since suspension is not a disciplinary sanction, an employee has no right of appeal against the decision. The letter should also include the HR advisor's name as an information contact. The main role of the contact person is to provide information regarding the progress of the case. In some cases, appropriate welfare support and counselling may need to be given.
 - b. Arrangements should also be made for the employee, or his or her representative, to be contacted regularly with information on progress and developments on the case either via the head teacher or the named HR contact.
 - c. The employee should also be advised not to contact parents or pupils or discuss the case with members of the governing body and the wider school community. However, social contact with colleagues should not be denied, provided confidentiality regarding the allegations is maintained. A colleague contact should also be nominated to provide information about developments at the school in general.



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- d. Consideration will also need to be given as to what information should be conveyed to school staff, parents and pupils.
- e. Arrangements should be made for the appropriate enquiries/investigations to be conducted as speedily as possible consistent with establishing the full facts.

9.3 Support will need to be considered for the child or children making the allegations and their parents. Consideration will also need to be given as to what support may be needed for others at the school, both staff and parents, according to the circumstances of the case. Advice may be obtained from the Designated LA Child Protection Officer, Social Services, Community Educational Psychology Service (CEPS), as appropriate.

10. Action following a decision not to suspend

- 10.1 The head teacher should explain to the employee concerned the circumstances that led to consideration of suspension and further explain any follow-up action that it is proposed to take. Their Trade Union representative or work colleague may accompany the employee at this meeting.
- 10.2 If an employee has not been suspended but the head teacher nonetheless has concerns about aspects of their conduct, a full internal investigation under the terms of the school disciplinary procedures should be undertaken before making a decision about further action. However, if a Police investigation is being conducted, this must take precedence and the school investigation held in abeyance pending the outcome.

11. Investigative procedures after child protection and criminal offence concerns have been resolved preliminary to considering disciplinary action

- 11.1 The aim of the preliminary investigation is to obtain, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove an allegation. The investigation is a fact-finding exercise and is preliminary to considering the appropriateness of disciplinary or other action following an initial assessment that no child protection or criminal investigations are necessary.
- 11.2 Undertakings of confidentiality should not be given to a person making allegations or anyone who is likely to be interviewed. Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings or child protection investigation and those giving evidence in the investigation should also be informed.
- 11.3 Children or parents making allegations should be interviewed to record their allegations in the form of signed and dated statements. (See paragraph [4.1](#) and [4.2](#)).



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Any statement made or other evidence given to the Police can only be provided to the school as part of a disciplinary investigation with the consent of the Police. As a matter of good practice, those that have made statements should be informed before the statements are provided to the Police. The HR advisor can provide further guidance regarding such evidence.

12. **Preliminary stages**

12.1 The person undertaking the investigation should seek specialist advice from the Designated LA Child Protection Officer and HR advisor regarding appropriate procedures. Following this, the person investigating should:

- a) determine areas to be investigated based on the allegations
- b) draw up a provisional list of those to be interviewed and a list of issues to be discussed
- c) check corroborative evidence
- d) assess the credibility of the person making the allegation

13. **Investigations**

13.1 The investigation should be carried in line with investigation guidance provided by the HR advisor. For schools/academies buying back City Council services, this will be available in the People Management Handbook for Schools (PMH4S)

14. **Guidance to assist with interviewing children**

14.1 The interviews with the complainant should be conducted sensitively with a view to establishing clear statements of fact ([see section 4](#) for further guidance). It will also be helpful to establish if anyone else was present without implying to the child that they may be used as witnesses.

14.2 In interviewing children whether as complainant or potential witnesses, care should be taken not to ask 'leading' questions. Open questions should be used e.g. "Did anything unusual happen in class this morning?" Follow up questions may then be used to clarify specific details e.g. Who? What? Where? How? When? Care should also be taken to avoid any potential opportunities for collusion. Pupils should normally, therefore, be questioned individually although in some circumstances more general and informal techniques may be appropriate.



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14.3 Statements should then be made in writing and signed. Alternatively, the teacher conducting the investigation may write down as much as possible of the child's verbal account and ask them to sign it as a true account of their statement.

15. Subsequent action

15.1 Once all the appropriate people have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report and discussed with the Designated LA Child Protection Officer and/or HR advisor. Consideration will again be given as to whether there are matters which should be referred under the school disciplinary procedures, local child protection procedures or to the Police, and whether suspension is appropriate ([see paragraph 8](#)). If there is such a referral, further proceedings at school level should cease.

16. Outcome of investigations

16.1 Following any preliminary or further investigation undertaken by the head teacher or other agencies, a meeting should be held to inform the employee of the next steps. A Trade Union representative or work colleague may accompany the employee. If the outcome is a disciplinary charge, any further action should then be in accordance with the agreed disciplinary procedures and the LADO/ Local Authority Safeguarding Coordinator must be informed of the outcome of any internally investigations and disciplinary action.

16.2 In cases where the head teacher, in consultation with the LADO/ Safeguarding Coordinator and other appropriate agencies, believes that **the allegation is without foundation**, the following courses of action will need to be considered:

- a) whether the child might have been abused by someone else and whether a referral should, therefore, be made under the local child protection procedures to assess the situation;
- b) arrange a meeting to inform the accused employee of the allegation, if this has not been done already, and the fact that no further action is to be taken under disciplinary or child protection procedures. This should be confirmed in writing. A Trade Union representative or work colleague may accompany the employee;
- c) whether counselling and/or informal professional advice to the employee is appropriate and the form either might take;
- d) inform the parents of the child or children of the decision not to take any further action;



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- e) consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents. In particular, take into account a child's individual needs where a false or malicious allegation has been made. Appropriate support and advice may be sought from the LADO/ Local Authority Safeguarding Coordinator, Children's Social Care or Community Educational Psychology Service (CEPS);
- f) prepare a confidential report embodying a) to e) above and giving reasons for the conclusion that the allegation is without foundation.

16.3 If the employee has been suspended and there is no intention to proceed with any form of disciplinary action or to dismiss, the suspension should be lifted immediately and the chair of governors informed accordingly. The head teacher should then arrange to meet the employee to discuss arrangements for their return to work. Informal counselling, appropriate support and training may be offered as appropriate in order to rebuild the employee's confidence and address any issues affecting other staff.

16.4 On the conclusion of an investigation which has resulted in disciplinary proceedings being taken against the employee, the following action will need to be taken:

- a) The child or children who made the allegations and their parents should be informed that appropriate action has been taken in line with LA and school procedures. This should be prior to the employee's return to school if he or she has been suspended. Appropriate counselling and support should be offered to the child before the employee returns to school. In particular, this should take into account a child's individual needs where a false or malicious allegation has been made and the school may need to consider appropriate sanctions. Appropriate support and advice may be sought from the Local Authority Safeguarding Coordinator, Children's Social Care or CEPS.
- b) All documents relating to the case and any investigation must be retained together with a written record of the outcome of the investigation. Where disciplinary action has been taken, a record should be retained on the employee's personal and confidential file in accordance with the agreed disciplinary procedures.

The LADO/Local Authority Designated Officer must be informed of the outcome of internal investigations and disciplinary hearings, copies of the documentation relating to these investigations may be requested.

If a teacher is dismissed or resigns before a disciplinary process is completed, he/she should be informed that it is the employer's statutory duty to notify the Teaching Agency. The HR advisor should be contacted for further advice on this issue as a referral to the Disclosure and Barring Service might be required for



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consideration of the person being included on the barred list for working with children and young people

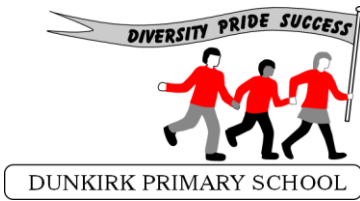
- 16.5 Where a pupil has made an allegation, a copy of the statement or the record made of it must be kept in a separate confidential file that is not open to disclosure, together with a written record of the outcome of the investigation. The pupil's school file should be marked with a red C to indicate that there is a confidential file that is held separately. If criminal or civil proceedings should be necessary, the record may be subject to disclosure. No assurances can therefore be given of confidentiality in this respect.

17. Allegations of child abuse against head teachers

- 17.1 In dealing with allegations of abuse against the head teacher the procedures to be followed are similar to those which apply to other employees as detailed in [paragraph 4](#) save that if the head teacher is the Designated Teacher, the allegation must be referred directly to the nominated governor or chair of governors. However, in these circumstances, some additional issues will need to be considered and governors must deal with the matter.
- 17.2 A member of the governing body receiving an allegation should report the matter immediately to the nominated governor. S/he must then take immediate action in line with the general guidance detailed in the main body of this advice and the particular issues addressed in this section. In the first instance, the need for confidentiality must be stressed and an assurance given that the allegations will be taken seriously. Advice should be sought immediately from the LADO / Local Authority Safeguarding Coordinator and the HR advisor.
- 17.3 A teacher receiving an allegation against the head teacher should, after considering [paragraph 4](#) above, report this immediately to the LADO/Local Authority Safeguarding Coordinator, the nominated governor or chair of governors.

18. Review

- 18.1 Following an incident, consideration should be given as to whether there are any general matters arising from it which could warrant a review of school or local procedures. Specific training needs of staff should be considered along with implications for pupils and their parents.



Appendix 1 - MODEL LETTER Notification of Suspension

Private & Confidential

Name

Address

Dear

Re: Suspension under the school's Disciplinary Procedure – Staff Facing Allegations of Abuse

Further to our recent discussion, I confirm that in view of the allegation(s) which has/have come to light, namely *[provide summary of allegations relating to inappropriate behaviour towards a pupil]*, I have taken the decision to suspend you from your post as *[job title]* at this school, with immediate effect. The suspension is a precautionary measure and one of which there is no right of appeal.

During suspension, an allowance will be paid to you which is equivalent to your normal pay on the condition that you remain available during normal working hours, and at the required



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notice, for interview. Any periods during which you will not be available should be notified to your line manager for approval, as with any other absence from work.

I must advise you that, during the period of suspension and whilst any ongoing investigations are proceeding, you may not enter the school premises and should refrain from discussing these issues with work colleagues. However, should you have any queries regarding the procedure or any welfare issues please contact *[named contact]* on 0115 915 XXXX, who will be able to provide support *[amend as appropriate for academies]*. The City Council's Employee Assistance Line can also be accessed should you feel you require the support of a confidential counselling service, the number is 0800 269 616*[amend as appropriate for academies]*. You may also be able to access further support if you belong to a trade union.

Whilst I am unable to confirm at this stage when the investigation will be completed, I do understand how difficult this situation must be for you and can assure you that the investigation will take place without delay.

The suspension will be subject to review within five working days and you will be kept informed of proceedings in writing following this review. I can confirm that this review meeting will take place on *[insert date 5 days from suspension date]*.

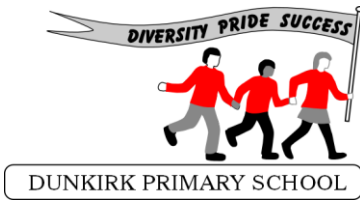
Please contact me on the above number if you wish a copy of this letter, and other related correspondence, to be sent to your trade union representative, providing details of where copies should be sent/emailed.

School support staff only

During your period of suspension annual leave should be taken in accordance with the normal procedures and should be approved in the normal way. You should be aware that the provision for the carry-over of annual leave from one leave year to the next is five days.

Yours sincerely

25-Jul-23



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HEAD TEACHER

Copies to: Chair of Governors

HR Advisor

Investigating Officer

TU Representative (if applicable)