



HEARTLANDS
COMMUNITY TRUST

Allegations Against Professionals

- Procedures for HCT Schools/ Academies

Document Control

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1. Introduction

- 1.1 These procedures set out how to manage cases of where an allegation has been made that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of staff¹ (including supply staff and volunteers) in a school or an education setting that provides education for children under 18 years of age has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they would pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse: physical, sexual, emotional abuse and neglect.

- 1.2 This part of the guidance relates to members of staff, third party, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.
- 1.3 Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or education setting is dealt with very quickly, in a fair and consistent way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. Where the school or college are not the employer of an individual they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties. Third party, Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college.
- 1.4 Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the safeguarding practice. Appropriate whistleblowing procedures are suitably reflected in staff training and staff codes of conduct and are in place for such concerns to be raised with the academy's leadership team.

2. Initial considerations

- 2.1 The procedures for dealing with allegations needs to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.
- 2.2 Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to an academy's attention and appear to meet the criteria, so they can consult police and children's social care services as appropriate.

¹ All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff including agency and third party staff and volunteers.

- 2.3 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations; or
- Promise confidentiality, but they can give assurance that the information will only be shared on a 'need to know basis'.

They should:

- Immediately report the matter to the designated safeguarding lead (DSL²) or Principal or Headteacher.
- As soon as possible after the disclosure, make a written record of the information on MyConcern app (in the case of a child making allegation(s), where possible in their own words), including the time, date and place of incident(s), persons present and what was said. Sign and date the written record.
- If staff members are unsure they should always speak to their DSL. However, in exceptional circumstances, such as in an emergency or a genuine concern that appropriate action has not been taken, staff members can speak directly to the Local Authority children's social care services.
- Keeping Children Safe in Education Guidance (KCSIE) confirms that where staff have concerns about another staff member they must report directly to the Principal or Headteacher.
- Where there are concerns about the Principal or Headteacher it must be referred to CEO and the Chair of the Local Governing Body.

3. Initial action by the Designated Safeguarding Lead

- 3.1 Providing there is no immediate risk, when informed of a concern or allegation, the Designated Safeguarding Lead (DSL) should not initially investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:
- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation);
 - Record any information about times, dates and location of incident(s) and names of any potential witnesses;
 - Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
- 3.2 In the first instance, the Principal/Headteacher or, where the Principal/Headteacher is the subject of an allegation, the Chair of Governors, chair of the management committee or proprietor of an independent school (the 'case manager'), should immediately discuss the allegation with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the DSL to consider the nature, content and context of the allegation(s) and agree a course of action. The designated officer(s) may ask the DSL to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the DSL will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or

² In primary/ special school/ academies the DSL and Headteacher may well be the same person

there is evidence of a possible criminal offence. Where there is no such evidence, the DSL should discuss the allegations with the designated officer(s) to help determine whether police involvement is necessary.

- 3.3 This initial sharing of information and evaluation may lead to a decision that no further action is to be taken with regards to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded, by both the DSL and the designated officer(s), and agreement reached as to what information should be put in writing to the individual concerned and by whom. The DSL should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.
- 3.4 Although the designated officer(s) may feel the threshold for a continued Allegation Against Professional investigation has not been met, the academy may feel they still have sufficient concerns regarding the individual facing the allegation, in which case they must decide what course of action they want to take, and this may include warnings of a various nature or possible disciplinary action. Academies must seek advice from the HCT Human Resources team in these circumstances.
- 3.5 The DSL should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the DSL provides them with as much information as possible at that time. However, where a strategy discussion³ is needed, or police or children's social care services need to be involved, the DSL should not share information about the allegation until those agencies have been consulted and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the academy or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking this step.
- 3.6 The designated officer(s) will advise whether or not informing the parents of the child(ren) involved will impede the disciplinary or investigation processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, then parents should be informed by the academy. In some circumstances, however, the parent(s) may need to be told straight away, for instance if a child is injured and requires medical treatment.
- 3.7 If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour in line with the behaviour policy.
- 3.8 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the DSL. In those circumstances, the options open to the school or education setting depends on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.
- 3.9 In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the DSL how and by whom the

³ The purpose of a strategy discussion and those likely to be involved is described in [Working together to safeguard children](#).

investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the academy's staff.

- 3.10 In circumstances, such as lack of appropriate resource within the academy, or the nature or complexity of the allegation, the allegation will require an independent investigator. Should this be the case, the academy must contact the HCT Human Resources team.

4. Suspension

- 4.1 The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the DSL and relevant academy leaders to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the DSL is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the designated officer(s) or police. But suspension is highly unlikely to be justified based on such concerns alone.
- 4.2 Suspension should be considered only in a case where there is reason to suspect a child or other children at the academy are at risk of harm, or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically; the DSL must consider carefully whether the circumstances warrant suspension from contact with children at the academy or until the allegation is resolved. In cases where the academy is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the academy, immediate action should be taken to ensure the individual does not carry out work in contravention of the order i.e. pending the finding of the Teaching Regulation Agency investigation, the individual must not carry out teaching work.
- 4.3 The Principal/Headteacher along with the DSL of the academy should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the DSL should be as inventive as possible to avoid suspension. Based on assessment of risk (see Appendix 2), the following alternatives should be considered by the DSL and academy leadership team before suspending a member of staff:
- redeployment within the academy so that the individual does not have direct contact with the child or children concerned;
 - providing an assistant to be present when the individual has contact with children;
 - redeploying to alternative work in the academy so the individual does not have unsupervised access to children;
 - moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted;
 - temporarily redeploying the member of staff to another academy in a different location, for example to an alternative academy within the HCT trust.

Please seek further guidance from the HCT Human Resources team.

- 4.4. These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The DSL should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

- 4.5 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the DSL and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.
- 4.6 Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.
- 4.7 Children's social care services or the police cannot require the DSL to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor, or governing bodies of the academy who are the employers of staff at the academy. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the DSL should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the academy considerations of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

5. Position of Trust Meeting

- 5.1 The meeting will normally include the Principal/Headteacher and/or the DSL or their representative, a Child Protection Adviser from Children's services, and depending on the circumstances the police and legal services. Please note that a member of the HCT Human Resources team will need to attend and other relevant individuals may be invited depending on the circumstances. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other academy staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- 5.2 Where the initial consideration or position of trust meeting decides the allegation does not involve a possible criminal offence, or require a children's services investigation, it should be dealt with by the academy. In such cases if the nature of the allegation does not require formal disciplinary action, appropriate action should be established within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held in accordance with the relevant disciplinary policy.
- 5.3 If the strategy meeting decides a [Section 47](#) enquiry or police investigation is required, any unilateral action by the academy will need to be suspended, unless otherwise agreed, until the police investigations are complete. Protocols for sharing information with police or children's services investigation need to be agreed especially as a common outcome will be to refer the issue back to the academy to consider as a disciplinary issue. The strategy meeting should also consider what support should be provided to the member of staff and others who may be affected and how they will be kept up-to-date with the progress of the investigation.
- 5.4 Where further investigation is required to inform consideration of disciplinary action, the DSL should discuss who will undertake that with the designated officer(s). In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the academy or the person's line manager to ensure objectivity. In any case the investigating officer should aim to provide an investigation report

to the academy's Principal/Headteacher or, in Principal/Headteacher cases, to the HCT CEO and the Chair of the Local Governing Body within a maximum of 30 working days.

5.5 The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

6. Supporting Those Involved

- 6.1 As an employer, HCT has a duty of care to their employees. Hence relevant managers should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. When appropriate they should also be given access to medical advice and the Employee Assistance Programme.
- 6.2 A named representative from the school should be appointed to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 6.3 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a position of trust discussion is required, or police or children's social care services need to be involved, then consultation with those agencies should occur to agree what information can be disclosed to the parents. They should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence⁴.
- 6.4 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- 6.5 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

⁴ In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

7. Confidentiality

- 7.1 It is extremely important that when an allegation is made, that every effort is made to maintain confidentiality and guards against unwanted publicity while an allegation is being investigated or considered. [The Education Act 2002 introduced reporting restrictions](#) preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same academy/school or education setting (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation⁵. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so, or if a judge lifts restrictions in response to a request to do so.
- 7.2 The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site, would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).
- 7.3 In accordance with the [Authorised Professional Practice](#) published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.)
- 7.4 All HCT schools should take advice from the designated officer(s), police and children’s social care services to agree the following:
- who needs to know and, importantly, exactly what information can be shared;
 - how to manage speculation, leaks and gossip;
 - what, if any, information can be reasonably given to the wider community to reduce speculation; and
 - how to manage press interest if and when it should arise.

8. Managing the Situation and Exit Arrangements

- 8.1 The fact that a person tenders their resignation or ceases to provide their services must not prevent an allegation being followed up in accordance with these procedures. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement agreement. A settlement agreement which prevents the school or education setting from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school or education setting would not be complying with its legal duty to make a DBS referral. **A referral to the DBS must be made if criteria are met as per section 15 of this procedure.**
- 8.2 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

⁵ Carried out by the National College for Teaching and Leadership.

refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not 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.

- 8.3 'Settlement agreements' by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

9. Record keeping

- 9.1 Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, is kept on an individual's confidential personnel file, and a copy provided to the person concerned.
- 9.2 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.
- 9.3 The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention⁶.

10. Timescales

- 10.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80% of cases should be resolved within one month, 90% within three months, and all but the most exceptional cases should be completed within 12 months.
- 10.2 For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

⁶ Information Commissioners Office - [Guidance on employment records in its Employment Practices Code and supplementary guidance.](#)

11. Oversight and Monitoring

- 11.1 The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The designated officer(s) will provide advice and guidance to the DSL, in addition to liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.
- 11.2 Police forces should also identify officers who will be responsible for:
- Liaising with the designated officer(s);
 - taking part in the strategy discussion or initial evaluation;
 - subsequently reviewing the progress of those cases in which there is a police investigation; and
 - sharing information on completion of the investigation or any prosecution.
- 11.3 If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to charge the individual, continue to investigate, or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

12. References

- 12.1 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, or malicious should also not be included in any reference.

13. Information Sharing

- 13.1 In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. In case of an agency staff, or staff from a third party supplier, agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college.
- 13.2 Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as the police investigation proceeds and will enable them to share relevant information without delay at the conclusion of their investigation or any court case.
- 13.3 Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case, can be passed to the school without delay.

14. Action Following a Criminal Investigation or a Prosecution

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

15. Action on conclusion of a case

- 15.1 If the allegation is **substantiated** and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the designated officer(s) should discuss with the DSL and the HCT Human Resources team whether the academy will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required, and, in the case of a member of teaching staff, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.⁷
- 15.2 **There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child, or if a person otherwise poses a risk of harm to a child.**
- 15.3 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the DSL should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The DSL should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.

16. In Respect of Malicious or Unsubstantiated Allegations

- 16.1 If an allegation is determined to be unsubstantiated or malicious, the DSL should refer the matter to the children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the academy along with HCT Senior Leadership Team should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if they were not a pupil.

17. Learning Lessons

- 17.1 At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the DSL to determine whether there are any improvements to be made to the academy's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is

⁷ Disclosure and Barring Service – guidance on [Referrals to the DBS](#)

subsequently reinstated. The designated officers(s) and DSL should consider how future investigations of a similar nature could be carried out without suspending the individual.

draft

Appendix One: Key contacts

School/ Academy Name

Key contacts at School/ Academy			
	Name	Phone Number	Email address
Principal/Headteacher			
Deputy Headteacher			
Chair of Local Governing Body			
Designated Safeguarding Lead (DSL)			
HCT Human Resources Director			
Key contacts at local authority			
	Name	Phone number	Email address
Designated Officer			
Child Protection Adviser			
Child Protection Adviser			
Child Protection Adviser			
Child Protection Adviser			
Safeguarding Children Service Manager			
Child Protection Administration (to contact CPA for advice)			
Child Abuse Investigation Team (CAIT)			

Please note this is not an exhaustive list, where required, local amendments should be made

Appendix Two: Suspension Risk Assessment

The following factors need to be considered:

Nature of the alleged incident	Notes re consideration
<ul style="list-style-type: none"> • Duration and frequency of alleged behaviour • Degree of threat or coercion • Extent of pre-meditation • Degree and nature of alleged harm 	
Information re the member of staff / volunteer	
<ul style="list-style-type: none"> • Previous concerns • Previous allegations • Contact with child(ren) / young person / people, concerned and generally 	
Information re child(ren) / young person / people concerned	
<ul style="list-style-type: none"> • Age and level of understanding • Special needs and vulnerability • Impact on health and development • Previous allegations made 	
Information re parent(s) / carer(s)	
<ul style="list-style-type: none"> • Attitude to allegation • Expectations • Previous allegations 	
Investigation	
<ul style="list-style-type: none"> • Possibility of the investigation being impeded should the person remain in work • Possibility of further allegations being made / issues arising for person if in school during investigation 	
Health and Safety	
<ul style="list-style-type: none"> • Potential risks to the person's health and safety should they remain in school (impact of threats from parents / carers / potential press interest etc.) 	
Alternatives to suspension	Potential Impact(s)
<ul style="list-style-type: none"> • Explore and assess all other options e.g. redeployment or supervision 	

Risks identified and action plan:

Decision to Suspend: Yes / No

Date:

Particular views of those concerned: (Designated Officer/Police/Principal or Headteacher/DSL/Education Welfare Officer/HCT Human Resources)

1. Name of person (usually Principal/Headteacher) responsible for the decision:

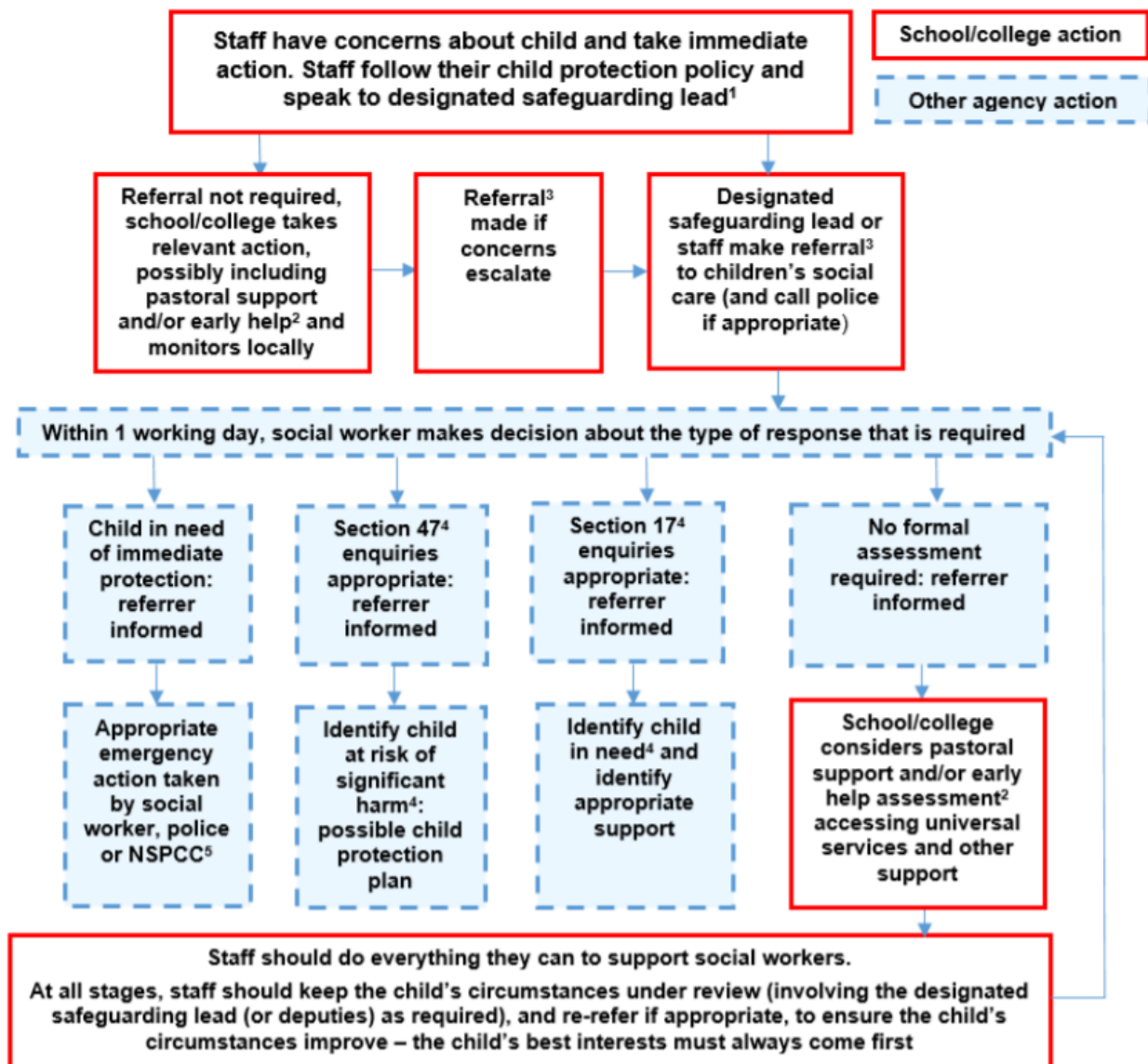
2. Name of person completing assessment:

3. If applicable - Name of person responsible for communicating decision to suspend to member of staff / volunteer (this should be communicated in writing as soon as practicable as determined by the strategy discussion):

4. Name of person nominated to keep suspension under review

A copy of this assessment should be retained on file by the academy in accordance with the record keeping requirements of the statutory guidance. If the allegation/s are found to be malicious, the assessment should be removed from file and destroyed.

Appendix Three: Action where there are concerns about a child (KCSIE Doc Sept 2020, Page 17)



¹ In cases which also involve a concern or an allegation of abuse against a staff member, see Part Four of this guidance.

² Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working Together to Safeguard Children](#) provides detailed guidance on the early help process.

³ Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

⁴ Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

⁵ This could include applying for an Emergency Protection Order (EPO).