



Bishop Douglass Catholic School

In Pursuit of Excellence

Managing Allegations Made Against Staff

Principle

Do not keep judging according to appearances; let your judgement be according to what is right” Jesus Christ (John 7:24)

Procedural Guidance

This guidance is about managing instances where there are allegations or concerns about any person who works or volunteers with children, in connection with their employment or voluntary activity. It applies in respect of all cases in which it is alleged that a member of staff in a school (including a volunteer, or person with express permission to be on the premises) has behaved inappropriately, e.g.

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

(Statutory Guidelines: Keeping Children Safe in Education September 2021)

Pre-emptive

Staff and volunteers will be inducted, given annual training and guidelines will be included in the Staff Handbook. It is an offence for a member of staff or volunteer to have any sexual activity, groom or have an inappropriate connection with pupils on the school roll, even if the relationship is consensual.

Staff are instructed not to put themselves in a position which might give rise to allegations, for example:

- Avoid speaking to a pupil alone, especially with a door closed or in a room with a door without a window.
- Do not bang on a table with a fist or use gestures which might indicate a threat of violence.
- Do not give a pupil or pupils a lift in a personal vehicle without express permission from the Head of School.
- Do not hug, kiss or unnecessarily touch pupils.
- Do not meet a student outside of school for social reasons, without prior permission from the Head of School and take care to avoid circumstances and behaviours that would give rise to suspicion.
- Do not allow pupils access to personal email accounts or personal mobile phones.
- Only use online communication with pupils in line with school guidance.
- Do not become ‘friends’ or linked with pupils on social networking Internet sites eg Facebook, Twitter, Instagram, Snapchat (this list is not intended to be exhaustive).
- Do ensure that the school’s policy on Physical Restraint is followed.

Policy

- All allegations or concerns should be reported as soon as they become apparent. If the allegation or concern is about a member of staff or volunteer, this should be reported in the first instance to the

Headteacher or Head of School, or in the case of an allegation about either of these, to the Chair of Governors of the school. In the event that an allegation or concern is raised against a member of the Governing Body, the matter should also be reported to the Executive Headteacher or Head of School.

- It is important to ensure that allegations or concerns that appear less serious are followed up and taken seriously. All allegations that come to the attention of the Executive Headteacher, Head of School or DSL will be reported as soon as possible to the Local Authority Designated Officer (LADO) and within one working day. The LADO will discuss the allegation to establish that it is not demonstrably false or unfounded. The LADO in conjunction with the Executive Headteacher and/or the Head of School or Chair of Governors or DSL will make an informed decision regarding the necessity of any further action: for instance, if there is a need for a formal strategy meeting, who needs to be made aware of the allegation e.g. Chair of Governors, parents, the accused, Police, Social Services. Each case brought to the LADO may be different and therefore may result in a different bespoke response.
- Any allegations of abuse made against staff no longer working at the school will be referred to the LADO and to the Police.
- The reporting chart at APPENDIX ONE, is a useful guideline for staff.
- All school staff are instructed to maintain confidentiality and every effort is expected to guard against unwanted publicity. All allegations will be examined objectively and with discretion. Proceedings and records in connection with the allegation will be kept as confidential as possible but employees must appreciate that formal investigations cannot always be kept on an entirely confidential basis.
- Those involved or affected will be supported or directed to appropriate support if this is feasible eg through professional associations/Work Life support/an experienced member of staff.
- The School will not publicise information regarding the allegation. If staff are contacted by the media they will refer all enquiries to the Executive Headteacher or Head of School who may contact the Local Authority Press Office and/or the Diocesan Press Office for advice.
- It is in everyone's interest to resolve cases as quickly as possible.
- Investigations will be fair and thorough, applying common sense and judgement.
- The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.
- False, malicious and/or vexatious allegations may be subject to disciplinary proceedings.

Communication

The DSL, Head of School or Executive Headteacher will inform the parents or carers of a child or children involved, about the allegation (if they are not already aware of it) as soon as possible after discussing the allegation with the LADO.

The parents should also be kept informed by the DSL, Head of School or Executive Headteacher about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. NB. The deliberations of a school disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but it will be considered whether the parents or carers of the child should be told the outcome. The content and discussion may be agreed between the Head of School or Executive Headteacher and the LADO.

The Head of School or Executive Headteacher may also keep the accused member of staff informed of the progress of the case and consider what other support is appropriate and advise. A criminal investigation may result in communication directly from the Police. The LADO will discuss with the DSL, Head of School or Executive Headteacher how best to inform the individuals concerned of any updates.

Suspension

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. As a general guideline, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative. Any suspension will be in writing, for the shortest possible time with the intention that it is a neutral act and full pay will apply.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school 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
- Temporarily redeploying the individual to alternative work in the school or other school so that they do not have unsupervised access to the child concerned
- Moving the child or children to classes or facilities where they will not come into contact with the individual, making it clear that this is not a punishment.

Definitions for outcomes 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 (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Conclusion of a case

The outcome of the process will be shared with the parents of the child or children concerned after taking advice from the LADO. An employee or volunteer will be made aware of the outcome and any action points agreed as a result of the investigation. Advice will be sought as whether a referral to the Disclosure and Barring service, Teacher Regulation Agency and any other relevant agencies such as children care services are necessary and the form and content of a referral.

Record-keeping

The DSL will ensure the maintenance of records about any case where the allegation or concern meets the criteria above (except for malicious) and ensure they are stored on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached and justification

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

This policy should be used in conjunction with the school's Whistle-blowing Policy and Pupil Restraint Policy.

The school subscribes to an employee assistance programme through the Education Support Partnership and all staff can contact them for information and advice.

See **APPENDIX ONE ATTACHED TO THIS POLICY**

This policy will be reviewed annually

Approved by the Finance, Premises and Personnel Committee 11th March 2016

Ratified by the Governing Body 23rd March 2016

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 Reviewed by the Finance, Premises and Personnel Committee 25th June 2021

Appendix One

