



Allegations of Abuse against Staff Policy

<i>Rev</i>	<i>Date</i>	<i>Description</i>
	<i>September 2026</i>	<i>Next review due</i>
7	September 2025	Reviewed
6	September 2024	Reviewed
5	September 2023	Reviewed
4	September 2022	Reviewed
3	September 2021	Reviewed
2	September 2020	Reviewed
1	September 2019	Initial version

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ALLEGATIONS OF ABUSE AGAINST STAFF

This policy is to be read in conjunction with the School's Staff Disciplinary Policy.

Brentford School for Girls believes that any allegation of abuse made against a teacher or other member of staff or volunteer in our education setting should be dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

The procedures outlined in this policy will be followed alongside the school's complaints procedure and child protection policy.

All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff, including allegations that may meet the thresholds of harm and allegations / concerns that may not meet the thresholds i.e. low-level concerns.

An allegation is any information, which indicates that a member of staff/volunteer may have:

- 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 which indicates he or she may or pose a risk of harm to children
- Behaved or may have behaved in a way that indicates that they may not be suitable to work with children

This part of the guidance relates to members of staff and volunteers who are currently working in Brentford School for Girls regardless of whether the school 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.

Brentford School for Girls has a duty of care to their employees. We will ensure that we provide effective support for anyone facing an allegation and provide the employee with a named contact should they be suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school is dealt with appropriately and we will liaise with relevant parties (this includes supply teachers and volunteers). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time support the person who is subject of the allegation.

HOW CONCERNS ARISE

Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:

- A direct allegation by a pupil or third party, for example a parent; or
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case, the concern, including low level concerns must be recorded and reported to the Headteacher immediately, unless the allegations are about the Headteacher, in which case it must be reported to the Chair of Governors. If the Headteacher is absent, the allegation should be reported to the Head of School. The Headteacher should be the ultimate decision maker in respect of low-level concerns.

As this is a statutory duty, we expect all members of staff, where they have concerns, to report them in accordance with this policy.

INITIAL CONSIDERATIONS

The procedures for dealing with allegations need 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. In these cases, local arrangements should be followed to resolve cases immediately.

However, it is important to ensure that even allegations that appear to be a low-level concern are seen to be followed up and taken seriously and that they are examined objectively by the Head teacher. Ensuring that they are dealt with effectively. This should also protect those working in or on behalf of school from potential allegations or misunderstandings. A low-level concern is any concern that an adult has acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of the workplace
- Does not meet the allegations of harm threshold or is not considered serious enough to refer to the LADO

If the allegation meets any of the criteria set out in the Introduction, the Headteacher or Chair of Governors must report it to the Local Authority Designated Officer (LADO) on the same day – the contact number is 0208 583 2000.

Some rare allegations will be so serious they require immediate intervention by Children's Social Care and/or Police. The Designated Officer(s)/LADO should be informed of any allegations that require consultation due to their serious nature and appears to meet the LA criteria so that they can consult Police and Children's Social Care as appropriate.

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 support the allegations being made.

The Headteacher (where the Headteacher is the subject of an allegation and this meets the harm threshold) or the Chair of Governors, should discuss the allegation immediately with the Designated Officer(s)/LADO. The purpose of an initial discussion is for the Designated Officer(s)/LADO and the Headteacher/Chair of Governors/Case Manager to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer(s)/LADO may ask the Case Manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the Headteacher/Chair of Governors/Case Manager may want to involve the Police immediately, for example if the person is deemed to be an immediate risk to children, or if there is evidence of a possible criminal offence. Where there is no such evidence, the Case Manager should discuss the allegations with the Designated Officer(s) /LADO in order to help determine whether Police involvement is necessary.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In some circumstances the school may advise the parents of an incident involving their child straight away, for example if the child has been injured while at school or in a school-related activity and requires medical treatment.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification should be recorded by the Headteacher if the concern meets the LA threshold then with the Designated Officer(s)/LADO decide what action should follow both in respect of the individual and those who made the allegation.

The Headteacher should inform the accused person about the allegation as soon as possible after consulting the Designated Officer(s)/LADO. It is extremely important that the Headteacher should provide them with as much information as possible at that time. However, where a strategy discussion is needed, or Police or Children's Social Care need to be involved, the Headteacher should not do that 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 school 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 that step.

If the accused is a member of a trade union or professional association, they should be advised to contact that organisation at the outset.

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). There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquires and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services;
- Consideration by the employer of disciplinary action in respect of the individual.

As senior representative of the school (Headteacher or Chair of Governors) will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the Police should take into account that teachers and other school staff are entitled to use reasonable force to restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the Police or Children's Social Care is unnecessary, or the strategy discussion or initial evaluation decides that this is the case, Designated Officer(s)/LADO should discuss the next steps with the Headteacher. In those circumstances, the options open to the school depend 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.

In some cases, further enquires will be needed to enable a decision about how to proceed. If so, the Designated Officer(s)/LADO should discuss with the Headteacher how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff.

SUPPLY TEACHERS/STAFF NOT DIRECTLY EMPLOYED BY THE SCHOOL

In some circumstances, Brentford School for Girls will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency, volunteers or self-employed contractors.

Whilst Brentford School for Girls is not the employer of such individuals, it should ensure allegations are dealt with properly. In no circumstances should Brentford School for Girls decide to cease to use the services of a supply teacher, volunteer or self-employed contractor due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing Bodies should discuss with relevant organisations such as an employment agency, a business supplying the services of the individual to the school etc. whether it is appropriate to suspend them or redeploy them to another part of the school whilst the investigation is carried out.

Relevant third parties will be fully involved and cooperate in any enquires from the LADO, Police/or Children's Social Services. The school will take the lead because the relevant third party does not have direct access to children or other school staff, so will not be able to collect any facts when an allegation is made, nor do they have the relevant information required by the LADO as part of the referral process. Supply teachers and other staff not directly employed by the school, while not employed by the school, are under supervision, direction and control of the Governing Body when working in the school. They should be advised to contact their trade union representative if they have one, or colleague for support. The allegations management meeting, which is often arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or relevant third party are taken into account by the school during investigation.

When using an agency Brentford School for Girls will inform the agency or other relevant third party of its process for managing allegations. This should include inviting an HR manager of the relevant third party to meetings and keeping them up to date with information about its policies.

The school will also cooperate in reaching a decision about whether to continue to use that person's services or to provide that person for work with children in the future and whether to report the person to the DBS/TRA.

PROCEDURE IF A DISCLOSURE IS MADE

- The person to whom an allegation is first reported, should take the matter seriously and keep an open mind. They should not investigate or ask leading questions if seeking clarification, it is important not to make assumptions. Confidentiality should not be promised and the person should be advised that the concern will be shared on a 'need to know' basis only.
- A written record of the allegation should be made, using the informant's words – including time, date and place where the alleged incident took place, what was said and if anyone else was present. This record should be signed, dated, and immediately passed on to the Headteacher.
- In the absence of the Headteacher the record should be passed to the Head of School who is Acting up
- If the concerns are about the Headteacher, then the Chair of Governors should be contacted, tgeorge@brentford.hounslow.sch.uk. In the absence of the Chair of Governors, the Vice Chair should be contacted manderson@brentford.hounslow.sch.uk
- The recipient of an allegation must not unilaterally determine its validity, and failure to report it in accordance with procedures is a potential disciplinary matter
- The Headteacher/Governor (in the case of the HT) will assess whether it is necessary to refer the concern to Social Care in consultation with the LADO (Local Authority Designated Officer).
- If it is decided that the allegation meets the threshold for further action through the HSCB Inter-agency Child Protection and Safeguarding Student Procedures, the Headteacher must immediately make a referral to Social Care on 0208 583 2000
- If it is decided that the allegation does not meet the threshold for referral to Social Care, the Headteacher and the LADO (Local Authority Designated Officer) will consider the appropriate course of action e.g. joint evaluation meeting, internal investigation.
- The Headteacher should, as soon as possible, following briefing from the LADO (Local Authority Designated Officer) and inform the subject of the allegation

- If the person is a member of a Union or professional association, they will be advised to contact that body at the outset.
- Historical allegations should be responded to in the same way as contemporary concerns. It is important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.
- All staff should be aware of the school's Whistleblowing Policy and feel confident to voice concerns about the attitude or actions of colleagues.
- If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the school, they should report the matter to the LADO (Local Authority Designated Officer)

SUSPENSION

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 Headteacher/Chair of Governors 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 Headteacher/Chair of Governors is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO (Local Authority Designated Officer), Children's Social Care or Police as required. However, suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered in any case where:

- there is cause to suspect a child or other children at the school is/are at risk of significant harm;
- the case is so serious that it warrants formal investigation by the Police;
- there is a likelihood that evidence might be tampered with, or witnesses intimidated;
- the allegation is so serious it might be grounds for dismissal.

However, a person should not be suspended automatically: the Headteacher/Chair of Governors must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved and may wish to seek advice from their personnel adviser and the LADO (Local Authority Designated Officer). In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the Teaching Regulation Agency's investigation, the individual must not carry out teaching work.

The Headteacher/Chair of Governors 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 LADO (Local Authority Designated Officer) , Police and Children's Social Care have no objections to the member of staff continuing to work during the investigation, the Headteacher/Chair of Governors should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives need to be considered by the Case Manager before suspending a member of staff:

- 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;
- redeploying to alternative work in the school 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; or

- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the academy trust.

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

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Case Manager and the LADO (Local Authority Designated Officer) . This should also include what alternatives to suspension have been considered and why they were rejected.

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.

Children's Social Care or the Police cannot require the Headteacher/Chair of Governors 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 Governing Body, who is the employers of staff. When a strategy discussion or initial evaluation concludes that there should be enquiries by the Children's Social Care and/or an investigation by the Police, the LADO (Local Authority Designated Officer) should canvass Police and Children's Social Care for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff. This decision will be taken on a case-by-case basis having undertaken a risk assessment.

Only the employer has the power to suspend an accused employee and they cannot be required to do so by the LADO (Local Authority Designated Officer) or Police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

SUPPORTING THOSE INVOLVED

Brentford School for Girls has a duty of care to its employees. They will act to manage and minimize the stress inherent in the allegations process. Support of the individual is vital to fulfilling this duty. Individuals will 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 or the Police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to welfare counselling or medical advice.

The Headteacher should appoint a named representative 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.

Parents or carers of the 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 strategy discussion is required, or Police or Children’s Social Care need to be involved, the Headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers 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 confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers while investigations are ongoing as set out in section 141F of the Education Act 2011. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children’s Social Care, or the Police as appropriate, should consider what support the child or children involved may need.

CONFIDENTIALITY

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (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 publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are misapplied 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. The provisions commenced on 1 October 2012.

The legislation imposing restrictions make 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 could be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

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).

No-one in the school is to provide any information to the press or media that might identify an individual under investigation, while an allegation is being investigated or considered, nor must they disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

The Headteacher should take advice from the Designated Officer(s), Police and Children’s Social Care 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.

RESIGNATIONS AND SETTLEMENT AGREEMENTS

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met. Schools must also consider a referral to the Teacher Regulation Agency (TRA) if appropriate. 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. Any settlement agreement that would prevent a school from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the 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.

'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 persons' notice period expires. Such an agreement will not prevent a thorough Police investigation where that is appropriate.

REFERENCES

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations, which have found to be false, unsubstantiated or malicious, should also not be included in any reference.

RECORD KEEPING

If anyone has any concerns that may lead them to consider that an investigation is required, including allegations deemed as low level they must record and report the information to the Headteacher or Chair of Governors as soon as practicable.

The Headteacher or Chair of Governors will ensure that:

- A clear and comprehensive summary of any allegations is made;
- Details of how the allegation was followed up and resolved are recorded;
- A note of any action taken and decisions reached is kept on a person's confidential personnel file, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. If the person under investigation is exonerated, the school will write to the person confirming this, send a copy to the LADO (Local Authority Designated Officer) and place a copy on the person's personnel file. Details of allegations that are found to have been malicious will be removed from personnel records.

The school has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA) for the term of the inquiry. All other records will be retained at least until the employee reaches normal pension age or for 10 years from the date of the allegation if this is longer. These records will enable accurate information to be given in response to any future reference request and provide clarification in cases where future DBS checks 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 Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

TIMESCALES

It is in everyone's interest to resolve cases as quickly as possible and is 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 as long as this is consistent with a fair and thorough investigation. It is expected that 80 per cent of these cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

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 instigate 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.

It is acknowledged that serious and complex allegations are unlikely to be resolved quickly, particularly where specialist evidence is needed, or the matter comes to a contested trial.

OVERSIGHT AND MONITORING

The Designated Officer(s) has overall responsibility for oversight of the procedures for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children's Board on the subject. The Designated Officer(s) will provide advice and guidance of the Case Manager, 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.

Police forces should also identify offices 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

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 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. Longer review periods may be agreed depending on the complexity of the case.

SPECIFIC ACTIONS

FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

The Police should inform the employer and Designated Officer(s)/LADO (Local Authority Designated Officer) 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 case after the person has been charged. In those circumstances, the Designated Officer(s)/LADO (Local Authority Designated Officer) should discuss with the Case Manager 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 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.

ON CONCLUSION OF A CASE

If the allegation is substantiated, and the person is dismissed, the employer ceases to use the person’s services, resigns or otherwise ceases to provide their services, the Designated Officer(s)/LADO should discuss with the Headteacher and their HR Advisor whether the school 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 at a school, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

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. In the case of a member of staff engaged in teaching work (which may include support staff such as TAs, HLTAs, Instructors and unqualified teachers as well as teachers), the school needs to consider whether to refer the matter to the TRA to consider prohibiting them from teaching.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Headteacher 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 Headteacher 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.

LEARNING LESSONS

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school’s procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and

whether or not a suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases, where the allegation concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

IN RESPECT OF MALICIOUS OR UNSUBSTANTIATED ALLEGATIONS

If an allegation is determined to be unsubstantiated or malicious, the Designated Officer(s)/LADO (Local Authority Designated Officer) should refer the matter to the Children's Social Care 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 Headteacher, principal or proprietor 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 he or she were not a pupil.

If allegations are found to be malicious, they will be removed from the individual's personnel file.