

Allegations Against Professionals - Procedures for Response by CAT Schools



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world better than you found it.**

Procedures for responding to allegations of abuse by teachers and other school staff

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1 Introduction

This policy sets out how to manage cases where an allegation has been made that might indicate a person could 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 volunteers, supply staff and contractors working on behalf of a school) in a school that provides education for persons under 18 years of age has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

These behaviours, collectively defined as the ‘harm threshold’, should be considered within the context of the four categories of abuse: physical, sexual and emotional abuse and neglect.

This part of the procedure relates to members of staff who are currently working in any school, regardless of whether the school is where the alleged abuse took place. Allegations against a teacher who is no longer teaching, including historical allegations, should be referred to the police.

Schools 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 support contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff, supply staff, contractor or volunteer in a school is dealt with 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.

Staff, supply staff, contractors and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school safeguarding practice. Appropriate whistleblowing procedures are in place to support staff in reporting safeguarding concerns, including low-level concerns. These are suitably reflected in staff training and staff codes of conduct which detail how to raise such concerns with the school’s leadership team.

Schools may receive an allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools should follow their safeguarding policies and procedures, including informing the Local Authority Safeguarding Officer (LADO), where the harm threshold has been met.

If an allegation is made against a Governor, schools should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

¹ All references in this document to ‘members of staff’ should be interpreted as meaning all paid or unpaid staff, volunteers and supply staff or contractors working on behalf of the trust.

2 Initial considerations

The procedures for dealing with allegations needs to be applied with common sense and professional judgement. Many cases may well either not meet the harm threshold set out above, or may do so without warranting consideration of either a Police investigation or enquiries by the local authority children's social care. In these cases, local arrangements should be followed to resolve cases without delay and appropriate records of the actions recorded and retained, following confidentiality protocols.

Rarely, some allegations may be so serious they require immediate intervention by children's social care and/or Police. The LADO should be informed of all allegations that come to a school's attention which appear to meet the harm threshold, so they can consult with Police and children's social care, as appropriate.

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;
- 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 Headteacher;
- As soon as possible after the disclosure, make a written record of the information (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;
- always speak to the Headteacher if they are unsure. 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 LADO;

Keeping Children Safe in Education confirms that where staff have concerns about another staff member they must report directly to the Headteacher. Where there are concerns about the Headteacher it must be referred to the Chair of the School Standards Committee (SSC) or the trust's Director of Safeguarding, who will liaise directly with the Chair of the SSC.

3 Initial action by the Headteacher

Providing there is no immediate risk, when informed of a concern or allegation, the Headteacher 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 both the person making the allegation and the person receiving the information;
- 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.

In the first instance, where the harm threshold has been met, the Headteacher, or where the Headteacher is the subject of an allegation, the Chair of Governors, with support from the Director of Safeguarding, should immediately discuss the allegation with the LADO. This person takes on the role of 'case manager' and is responsible for leading the investigation. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation(s) and agree a course of action. The LADO may ask for 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 case manager will want to involve the Police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the LADO in order to help determine whether Police involvement is necessary.

This 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 for it should be recorded, by both the case manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow, both in respect of the individual and those who made the initial allegation.

Although the LADO may feel the threshold for a continued investigation has not been met, the school 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. This may include various levels of warnings or possibly disciplinary action. Schools must seek advice from CAT Central Human Resources department in these circumstances.

The case manager should inform the accused person about the allegation as soon as possible after consulting with the LADO. It is extremely important that the case manager provides 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 case manager should not share information about the allegation until those agencies have been consulted, and have agreed what information can be disclosed to the accused and when. 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. The trust suspension risk assessment should be used to support managing the decision.

The LADO 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 school. In some circumstances, however, parent/s may need to be told straight away, for instance if a child is injured and requires medical treatment.

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 school staff are entitled to use reasonable force to control or 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 is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school 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.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager 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 staff and often the lead DSL, where this is not the Headteacher.

However, in other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the allegation, the allegation will require an independent investigator. Should this be the case, the school must contact the CAT Central Human Resources department.

4 Supply staff

Where the individual involved is not directly employed by school, for example they are a supply teacher provided by an agency; the trust Disciplinary Policy does not apply. Even though the trust is not the employer, the school will take the lead on the investigation as they are in the best position to access the relevant information as part of the referral process.

Schools should deal with allegations against supply teachers in line with the rest of this policy and never decide to cease using a supply teacher due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. School should discuss with the agency whether it is appropriate to suspend or redeploy the supply teacher to another part of the school whilst investigating the allegation. Schools should inform the supply agency of its process for managing allegations, and agencies should be fully involved and co-operate with the LADO's enquiries.

5 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 rare cases that will require the case manager 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 case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or Police; suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school 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 case manager 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

and guidance from their CAT Central Human Resources contact and the LADO. In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school, it will be necessary to immediately suspend that person from teaching, pending the findings of the Teaching Regulation Agency (TRA) investigation.

The case manager 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, Police and children's social care have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk (Appendix 2) the following alternatives should 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;
- redeployment to alternative work in the school so the individual does not have unsupervised access to children;
- following consultation with the relevant parents, 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;
- temporarily redeploying the member of staff to another school in a different location, for example to an alternative school within CAT.

In all of these possible scenarios, please seek further guidance from the CAT Central Human Resources department.

These alternatives allow time for an informed decision regarding the suspension and may possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager 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.

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. 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 case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by children's social care and/or an investigation by the police, the LADO 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 should be taken on a case-by-case basis, having undertaken a risk assessment.

6 Position of Trust Meeting

The meeting will normally include the Headteacher and/or the DSL or their representative, a Child Protection Adviser from Children's Social Care and, depending on the circumstances, the police and legal services. Please note that a member of the CAT Central Human Resources department 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 school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the initial consideration or position of trust meeting decides the allegation does not involve a possible criminal offence or require a children's social care investigation, it should be dealt with by the school and appropriate records of the follow up actions recorded and retained. 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.

If the strategy meeting decides a Section 47 enquiry or Police investigation is required, any unilateral action by the school may need to be suspended, unless otherwise agreed, until the police investigations are complete. Protocols for information sharing need to be agreed, given that a common outcome is for the police and/or children's social care to refer concerns back to the school 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.

Where further investigation is required to inform consideration of disciplinary action, the case manager should discuss who will undertake that with the LADO. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school, to ensure objectivity. In any case, the Investigating Officer should aim to provide an investigation report to the school's Headteacher or, in Headteacher cases, to the relevant Trust Executive Lead and the Chair of the School Standards Committee within ten working days.

The following definitions should be used when determining the outcome of allegation investigations²:

- **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.

² Schools may wish to use the additional definition of 'unfounded' to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

7 Supporting those involved

The case manager should inform the accused person about the allegation/s as soon as possible after consulting the LADO. The accused should be provided with as much information as possible at the time. However, where a position of trust discussion is needed, or Police or children's social care need to be involved, the Headteacher should not undertake any formal communication with the accused until relevant agencies have been consulted and have agreed what information can be disclosed.

As an employer, CAT has a duty of care to its 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 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.

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.

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 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 confidence³.

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.

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.

8 Confidentiality

It is extremely important that when an allegation is made, that every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

³ In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

All CAT schools should take advice from the LADO, 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 information, if any, can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

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 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 or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation⁴.

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. The provisions commenced on 1 October 2012.

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, publishes details of the allegation on a social networking site would be in breach of the reporting restrictions (if what is 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.

9 Managing the situation and exit arrangements

The fact that a person tenders his or her 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 harm threshold is met, it will not be appropriate to reach a settlement agreement. A settlement agreement which prevents the school from making a DBS referral when the harm threshold is met, would likely result in a criminal offence being committed, as the school would not be complying with its legal duty to make a DBS referral. **A referral to the DBS must be made if the harm threshold is met as per section 15.**

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

⁴ Carried out by the Teaching Regulation Agency.

cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. However, 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 person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

10 Record keeping

Details of allegations that are found to have been malicious should be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations, i.e. substantiated, unfounded and unsubstantiated it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, decisions reached and the outcome i.e. substantiated, unfounded or unsubstantiated;
- a copy provided to the person concerned, where agreed by children's social care or the police; and
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will 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 reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time.

All other records should be retained at least until the accused has reached normal pension age or for a period of ten years from the date of the allegation if that is longer.

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.

11 Timescales

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 per cent of 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 LADO. 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.

12 Oversight and monitoring

The LADO has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners on the subject. The LADO will provide advice and guidance to 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.

The police should also identify officers who will be responsible for:

- liaising with the LADO and 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 leads to a decision 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.

13 References

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

Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions.

14 Information sharing

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.

Where the police are involved, wherever possible the school 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.

Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is/are in need or 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.

15 Action following a criminal investigation or a prosecution

The Police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete;
- it is decided to close an investigation without charge; or
- it is decided not to continue to prosecute after the person has been charged.

In those circumstances, during the joint assessment meeting the LADO 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 local authority children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should 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.

16 Action on conclusion of a case

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 his or her services, the LADO should discuss with the case manager and CAT Central Human Resources department 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, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.⁵

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in 'relevant conduct'⁶ in relation to children and/or adults, where an action or inaction has harmed a child or vulnerable adult or put them at risk of harm; and/or
- satisfied the harm test in relation to children and/or vulnerable adults. eg there has been no relevant conduct but a risk of harm to a child or vulnerable still exists; and/or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate this. Most people will

⁵ Disclosure and Barring Service - guidance on [Referrals to the DBS](#)

⁶ [Disclosure and Barring Service - Making barring referrals - Relevant conduct in relation to children](#)

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 case manager 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.

17 In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this was a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

If an allegation is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own Behaviour Policy.

18 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 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 is determined to be either, unfounded, false, malicious or unsubstantiated the case manager (and, if involved, the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

Appendix One

Key contacts **name of school**

Key contacts at school			
	Name	Phone Number	Email address
Headteacher			
Deputy Headteacher			
Chair of Local Governing Body			
Designated Safeguarding Lead			
Key contacts at local authority and other safeguarding partners			
	Name	Phone number	
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)			
Key contacts at CAT			
CAT Head of Human Resources			
CAT Director of Safeguarding			
CAT HR Associate			

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

Approved by the Board of Directors on: December 2024

Review date: December 2026

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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:

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Decision to Suspend: Yes / No

Date:

Particular views of those concerned: (Designated Officer/Police/Headteacher/Education Welfare Officer/CAT Human Resources)

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1. Name of person (usually 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

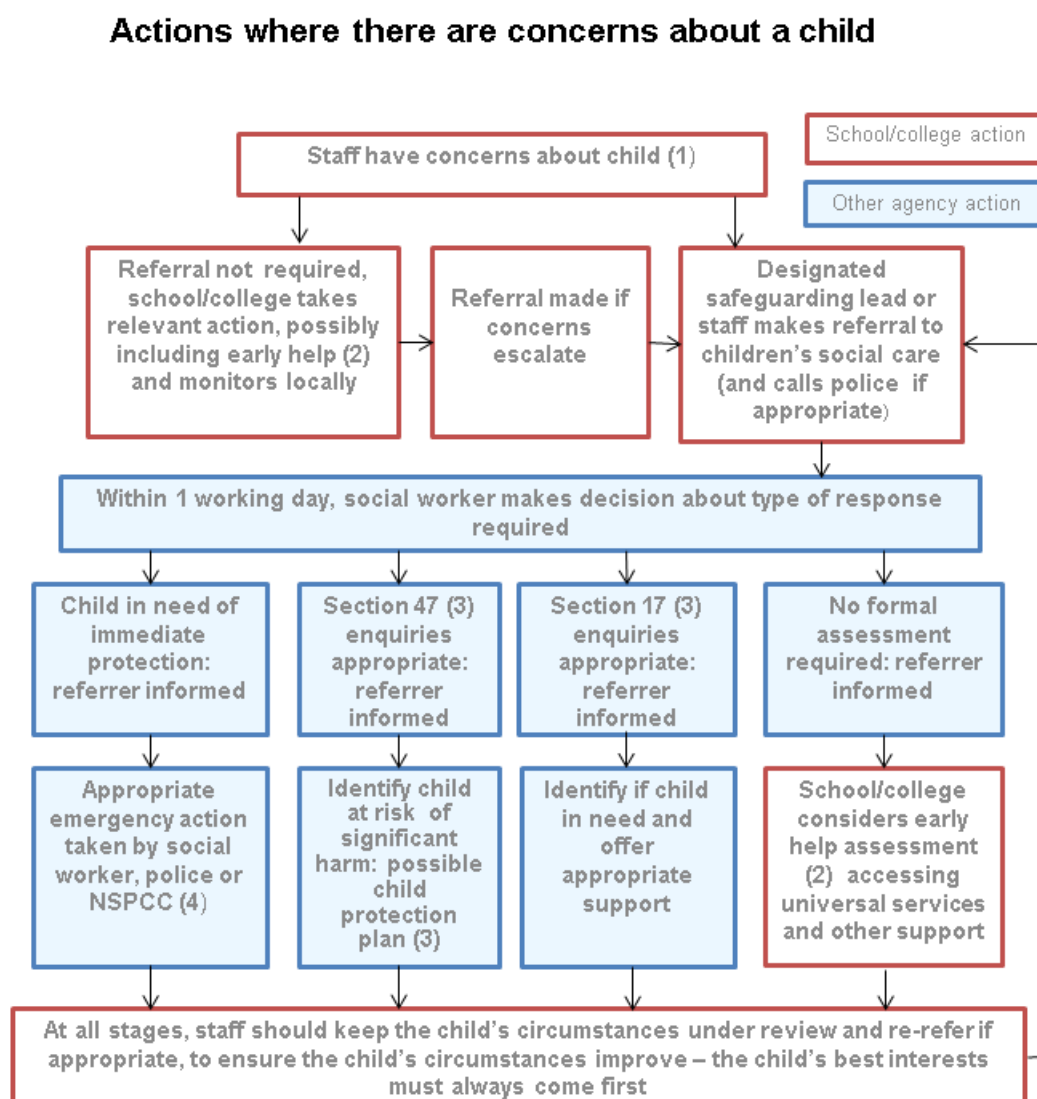
Approved by the Board of Directors on: December 2024

Review date: December 2026

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

Appendix Three:

Actions where there are concerns about a child



1. 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.
2. 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. This can include s17 assessments of children in need and s47 assessments of children at risk of significant harm. Full details are in Chapter one of [Working together to safeguard children](#).

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