



Management of Allegations Policy

For the following:

**St Alban's Catholic Primary School
St Anne's Catholic Primary School
St Augustine's Catholic Primary School
Cardinal Newman Catholic Primary School
St Charles Borromeo Catholic Primary School
St Cuthbert Mayne Catholic Primary School
St Edmund's Catholic Primary School
Holy Family Catholic Primary School
St Hugh of Lincoln Catholic Primary School
St John the Baptist Secondary Catholic School
St Polycarp's Catholic Primary School
St Thomas of Canterbury Catholic Primary School
St Peter's Catholic School
Salesian Catholic Secondary School
The Marist Catholic Primary School
Teach SouthEast**

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**Committee Responsible: HR Committee
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Contents

ABOUT THIS GUIDANCE	3
WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?	3
WHO IS THE GUIDANCE FOR?.....	3
KEY POINTS	3
DUTIES AS AN EMPLOYER AND EMPLOYEE.....	5
INITIAL CONSIDERATIONS.....	5
SUPPORTING THOSE INVOLVED	6
CONFIDENTIALITY	7
RESIGNATIONS AND ‘COMPROMISE AGREEMENTS’	8
RECORD KEEPING.....	8
REFERENCES	9
TIMESCALES	9
OVERSIGHT AND MONITORING	9
SUSPENSION	10
INFORMATION SHARING.....	11
ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION	11
ACTION ON CONCLUSION OF A CASE.....	11
LEARNING LESSONS.....	12
ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS.....	12
FURTHER INFORMATION.....	12
APPENDIX 1.....	13
SUSPENSION	13
APPENDIX 2.....	16
RISK ASSESSMENT FOR SUSPENSION.....	16
APPENDIX 3.....	18
ROLE OF THE CONTACT PERSON	18
APPENDIX 4.....	20
WHAT IS ACCEPTABLE BEHAVIOUR BY ADULTS TOWARDS STUDENTS?	20



Introduction

The Xavier Catholic Education Trust is committed to safeguarding all our community and will follow the national guidance in all cases of allegations against staff. The guidance below provides the framework for all procedures following an allegation being reported and should be followed alongside Keeping Children Safe in Education; The Xavier Catholic Education Trust Safeguarding Statement and Xavier Child Protection and Safeguarding Policy. In the rare case that an allegation is made against a member of staff within the Xavier Catholic Education Trust, the Headteacher will inform the CEO that an allegation has been made and record the name of the member of staff and nature of the allegation. The CEO will contact the relevant member(s) of the central team to support the Headteacher and follow the internal protocol and the most up to date guidance below.

DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF GUIDANCE FOR LOCAL AUTHORITIES, HEAD TEACHERS, SCHOOL STAFF, GOVERNING BOARDS AND PROPRIETORS OF INDEPENDENT SCHOOLS

ABOUT THIS GUIDANCE

This is statutory guidance from the Department for Education (DfE). Schools, local authorities and Further Education (FE) colleges should have regard to it when carrying out duties relating to handling allegations against staff, supply staff and volunteers

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H3 of the Education Act 2002.

WHO IS THE GUIDANCE FOR?

All schools¹, local authorities, governing boards and the FE sector. This guidance relates to all adults working with children and young people, whether in a paid or voluntary position including those who work with children on a temporary, supply or locum basis.

KEY POINTS

- If an allegation is made against a member of staff the quick resolution of that allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated.

- In response to an allegation all other options should be considered before suspending a member of staff: suspension should not be the default option. An individual should be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the employer and the individual notified of the reasons.
- Allegations that are found to be malicious should be removed from personnel records; and any that are unsubstantiated, are unfounded or malicious should not be referred to in employer references.
- Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school or college should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- All schools and FE Colleges should have procedures for dealing with allegations. The procedures should make it clear that **all allegations should be reported immediately**, normally to the head teacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher or principal; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. Procedures should also include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases.

¹ *“All schools” include Academies, Free Schools, independent schools and all types of maintained schools*

DUTIES AS AN EMPLOYER AND EMPLOYEE

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers and supply staff) in a school that provides education for children under 18 years of age has:

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

It is essential that any allegation of abuse made against a member of staff, supply staff or volunteer in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

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 services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Officer (LADO) should be informed of all allegations that come to a school's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

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

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** 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;
- e. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

In the first instance, the Headteacher or CEO Xavier Education Trust should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action,

The 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 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 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.

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 for it should be recorded by both the case manager and the LADO, and agreement reached on 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.

The case manager should inform the accused person about the allegation as soon as possible after consulting 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 services need to be involved, the case manager 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. (Please see further information on suspension below).

If the allegation is not demonstrably false or unfounded, and 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 *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 pupils in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school or 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 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 or FE college's staff.

SUPPORTING THOSE INVOLVED

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key 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 children's social care

services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The case manager 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 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 strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parent 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.² Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see below). 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 services, 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 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 of the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. 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 commence 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, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

² *In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998*

In accordance with the Association of Chief Police Officers' (ACPO) guidance 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, e.g. an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The case manager should take advice from the LADO, police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

RESIGNATIONS AND 'COMPROMISE 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. 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.

So-called 'compromise 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 these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) (Disclosure and Barring Service (DBS) from December 2012) where circumstances require that.

RECORD KEEPING

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, 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. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 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 employment retention.

REFERENCES

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

TIMESCALES

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must 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 unfounded 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 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.

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 Local Safeguarding Children Board (LSCB) 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.

Police forces should also identify officers who will be responsible for:

- liaising with the LADO;
- 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 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.

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 case manager to consider suspending the accused until the case is resolved. Suspension must 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 member of staff's family, those concerns should be reported to the LADO or police. But 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 is/are at risk of significant 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 until the allegation is resolved, and may wish to seek advice from their HR Adviser and the LADO.

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. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college 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 or college 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 college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The 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, unfounded 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 services or the police cannot require the case manager 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 Headteacher of the school or CEO Xavier Catholic Education Trust who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the 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.

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 employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

The police or the Crown Prosecution Service (CPS) should inform the employer and LADO 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 person has been charged. In those circumstances 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 children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

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 their personnel adviser whether to refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists; or to refer to the Teaching Agency.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments. Local authorities, schools, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

Professional misconduct cases should be referred to the relevant regulatory body.

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 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 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.

LEARNING LESSONS

At the 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 or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, 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 was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

FURTHER INFORMATION

The Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997. This can be found at http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/index.html

Guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/employment_practices_code.pdf

http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

Guidance on how to make a referral to the DBS is at:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

APPENDIX 1

SUSPENSION

1. Introduction

In all cases where a member of staff is to be suspended the following process must be followed:

2. Reasons for Suspension

Suspension should not be undertaken without good reason. Circumstances in which suspension properly occurs include:

- a) Where a child or children is/are at risk
- b) Where the allegation/s is/are so serious that it warrants investigation by police/dismissal for gross misconduct is possible
- c) Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded

In all cases where suspension is being considered, the Headteacher or the CEO Xavier Catholic Education Trust should advise the individual to seek assistance from his or her Trades Union or Professional Association.

In certain circumstances, for example, a clearly vexatious allegation against a member of staff or a minor conduct issue, a different approach could be justifiable. To suspend automatically following an allegation of this nature could be unnecessary and damaging to staff. In such circumstances the Headteacher must take advice from the LEO/LADO and HR Advisor so he/she can then consider the weight and balance of the circumstances and evidence. A risk assessment should be completed.

In cases of allegations of potential child abuse, if a decision not to suspend is taken, this should be clearly documented and the LADO and CEO Xavier Catholic Education Trust informed accordingly. Headteachers must be aware of Surrey's Child Protection Procedures and the LA guidance when dealing with allegations against staff. Further advice is available in the document 'Staff Subject to allegations, Thresholds and Alternatives to Suspension' at www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/otheragencyroles/irsc/RSC Guidance Documents.

3. Process of Suspension

- a) Any decision to suspend a member of staff can only be made by the Headteacher/ CEO Xavier Catholic Education Trust acting in consultation with the HR Advisor and LEO/LADO.
- b) In the case of an incident where it is not practicable to obtain immediate advice, for example at the weekend, a reasonable course of action, as an interim measure would be to send the individual(s) home. Although legally this may be regarded as suspension, at this stage the proper process of suspension will not have been taken. Also, the action is easily reversible, should the Headteacher, in consultation with the LEO/LADO and HR Advisor, subsequently decide to take alternative action. If the decision is subsequently to suspend, then the normal process should be carried out immediately.

- c) The suspension must be carried out face to face with the member of staff concerned. He/she should be provided with the opportunity to be accompanied at the meeting to suspend him or her.
- d) The process must be handled sensitively. The member of staff should be informed that an allegation has been made against him/her and that suspension is being considered as a precautionary measure pending a full investigation of the case.
- e) The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation into the allegation. The LEO/LADO will advise on this in liaison with the Child Protection agencies.
- f) The member of staff should be informed that he/she would attend an investigatory interview normally in this event with the Police and will have the opportunity to put forward his/her side of the case.
- g) When called to an interview where suspension is a possible outcome the member of staff should be advised to seek the advice and assistance of his or her Trade Union or Teacher Association. A colleague or 'friend' may assist an individual who is not a member of a Teacher Association/Trade Union.
- h)
- i) The member of staff should be offered a Contact Person, normally from outside his/her line management who can offer help and guidance during the subsequent process. (See guidance notes on the role of the Contact Officer). They should also be reminded they can access the Employee Assistance Programme support line (where appropriate). Note: Where there is a need to suspend a member of staff on a Friday or just before a holiday period, special consideration should be given to the support arrangements to ensure immediate availability.
- j) It should be explained to the member of staff that his/her suspension will be on full pay and that he/she will be required to be contactable by management during the period of suspension. However, in order not to prejudice the objectivity of the investigation, the member of staff will not be permitted to attend the workplace or contact any colleagues or other staff without the permission of the Headteacher or, in the case of a Headteacher, Xavier CEO Catholic Education Trust or HR Advisor.
- k) If as a result of the interview it is considered by the Headteacher/Xavier CEO Catholic Education Trust that suspension is necessary along with a full investigation of the allegation, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within one working day, giving the reasons for suspension. Wherever possible written confirmation should be prepared and handed to the individual at the meeting, with a copy for their professional association representative if required.
- l) It is also appropriate to agree with the member of staff what his/her colleagues and the wider school community will be told concerning the reason for his/her absence. This is particularly important in cases of a sensitive nature and will allay continued suspicions or doubts if he/she returns to work on the conclusion of any investigation/disciplinary action.
- m) The member of staff should be asked to return any school/student books or keys as appropriate and under supervision collect any personal belongings, which he/she might need during the period of suspension.

4. Review of Suspension

- a) All suspensions must be kept under constant review and should be subject to a formal review with the member of staff and his/her Teacher Association/Trade Union or other representative as in accordance with the Disciplinary Procedure.
- b) The aim should be to ensure that suspensions are kept as short as possible. It is unfair on a member of staff to delay the process of investigation and resolution of any disciplinary issues.
- c) Except in very complex circumstances individuals should not be subject to protracted suspensions.
- d) Suspension can only be lifted by the Chair of Governors. Use the advice and support of your personnel consultant.

5. Application of the above to Headteachers

Note: In cases where Headteachers are the subject of allegations and are suspended, the same principles will apply except that the CEO Xavier Catholic Education Trust will be responsible for the suspension.

APPENDIX 2

RISK ASSESSMENT FOR SUSPENSION

Suspension should only be considered if one or more of the following apply:

- Where a child or children is/are at risk
- Where the allegation/s is/are so serious they warrant investigation by the police/ dismissal for gross misconduct is possible
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded

A plan to manage risk may be a suitable alternative; police/social care/LADO view should be taken into account where involved

The following factors need to be considered:

CONTENT OF ALLEGED INCIDENT:	CONSIDERATION:
Duration and frequency of alleged abuse Degree of threat or cohesion Extent of premeditation Degree and nature of alleged harm	
INFORMATION RE ACCUSED ADULT: Previous concerns Previous allegations Attitude to allegation Contact with child	
INFORMATION RE CHILD: Age and level of understanding Special needs and vulnerability Impact on health and development Previous allegations	

<p>INFORMATION RE PARENT/CARER:</p> <p>Attitude to allegation</p> <p>Expectations</p> <p>Previous allegations</p>	
<p>ESTABLISHMENT/AGENCY PROCEDURES AND POLICY:</p> <p>Policy/Procedure in place?</p> <p>Degree of compliance</p> <p>Training</p>	

Risk identified and action plan:

Decision to suspend: YES/NO

Date of decision:

Name and signature of responsible manager:

APPENDIX 3

ROLE OF THE CONTACT PERSON

Introduction

It is recognised that there is a need for school or other management, within their duty of care, to provide some means of support to members of staff who have been suspended in the context of an allegation of a child protection nature. In such circumstances the individual involved is likely to be experiencing feelings of worry and depression; they may also be feeling isolated from their workplace and colleagues.

It is important that staff are not left unaware of what is happening in relation to the Child Protection/disciplinary investigation, as this may also lead to further stress and ill health. In addition, it must be understood that the allegations may have placed an individual in a difficult situation in relation to handling the implications of the allegations on his/her family.

In view of the above and in order to give support in cases of allegations against a member of staff or where a member of staff is suspended, it is recommended that an appropriate person is selected to undertake the role of Contact Person to ensure the individual is kept up to date with the progress of the proceedings.

Similar support will also be available from the Trade Unions/Teacher Associations. It is intended that these provisions will be complementary to the support offered by such unions/ associations.

Where suspension is in place, it is good practice to appoint a member of the school staff to act as a contact or link person and to ensure that the individual is kept abreast of any significant school events or changes.

Allocation of a Contact Person

- a) The Contact Person allocated should normally be outside the line management of the person suspended, but a member of the Senior Management Team. They may exceptionally be a HR Advisor not directly involved in the investigation.
- b) He/she should ideally be a sensitive and caring person who will be able to coordinate the necessary level of support to the suspended employee and if appropriate, make any contacts on his/her behalf.
- c) They should receive in writing from the Headteacher, or CEO Xavier Catholic Education Trust, if the allegation concerns the Headteacher, instructions regarding information that they can share, how they should maintain contact and how often this should take place.
- d) The Contact Person must be acceptable to the person suspended. If not, perhaps for personality reasons, an alternative Contact Person will be offered to give support.
- e) When a staff member's suspension is confirmed in writing, the name of the Contact Person allocated and his/her contact number should be included in the letter.
- f) It is good practice for the Contact Person to make initial contact with the suspended member of staff as soon as possible after the suspension. Contact thereafter will be according to the wishes of the person suspended and his/her Association/Union representative.

Role of Contact Person

The main roles of the contact person in keeping in touch with the person at agreed intervals, usually by phone, are:

- a) To keep the person in touch with ordinary events at school, with the intention of lessening the feeling of being divorced from the life of the organisation when they may return.
- b) To keep the individual up to date with the progress of the proceedings, without getting into discussion of the case.
- c) To recognise that the disciplinary process may be personally very stressful. To help the individual to cope with this, the contact person may support him/her in seeking additional help or counselling, e.g. from his/her GP, the Employee Assistance Programme.
- d) To feed back any concerns to those investigating/managing the case about the employee's well being so that appropriate action can be taken.

Management Support for the Contact Person

The Contact Person is seen as having a key role in coordinating staff support by the LA during any suspension. This support will be made available to all staff who are suspended, but particular attention should be paid to those cases which, by their nature, are especially sensitive, e.g. in relation to matters of a sexual nature or where allegations of abuse of children may be involved. Because of the particular pressures that such allegations create, there may be a need for additional specialist support pending the outcome of the suspension.

In relation to the above, the Contact Person's own line manager needs to be aware of his/her involvement in supporting a suspended member of staff and the impact and effect which this may have on them in both personal terms and in relation to time commitment.

APPENDIX 4

WHAT IS ACCEPTABLE BEHAVIOUR BY ADULTS TOWARDS STUDENTS?

The table below provides some examples of types of behaviour and action to be taken. It is only intended as a guide and every situation must be considered on its own merits and assessed carefully in the context within which it occurs. **If in doubt consult.**

Category	Physical	Sexual	Emotional	Risk/Action
Acceptable behaviour Good professional practice	<ul style="list-style-type: none"> • Appropriate physical restraint within permitted limits where it is necessary for the protection of the child or safety of others • Adhere to Safe Working Practice Guidance provided • Good classroom management 	<ul style="list-style-type: none"> • There can be no permissible behaviour which either implicitly or explicitly has sexual connotations • Maintains professional relationship • Appropriate language and attitude 	<ul style="list-style-type: none"> • Students treated with dignity and respect • No misuse of power • Adhere to Safe Practice Guidance provided • Good classroom management 	<ul style="list-style-type: none"> • NONE • Praise and encourage staff development • Praise and encourage student
Inappropriate and unacceptable behaviour Poor professional conduct	<ul style="list-style-type: none"> • Questionable use of restraint – no injury • Poor classroom management • Not adhering to all aspects of Safe Working Practice Guidance provided • Pushing/pulling students – no injury 	<ul style="list-style-type: none"> • Lack of proper regard for privacy • Inappropriate language • Suggestive remarks, jokes etc 	<ul style="list-style-type: none"> • Over-use of shouting • Poor classroom management • Inappropriate use of sarcasm • Degrading behaviour 	<ul style="list-style-type: none"> • MEDIUM • Consider disciplinary procedures and/or consult with LEO/LADO re referral to Contact Centre Childrens Team/police
Abusive or potentially abusive behaviour	<ul style="list-style-type: none"> • Persistent or repeated incidents of above • Over use of restraint causing an actual injury • Punching, smacking, kicking • Deliberate physical assault 	<ul style="list-style-type: none"> • Persistent or repeated incidents of above • Any overtly sexual contact- touching, grabbing, fondling • Any sexual relationship with a student 	<ul style="list-style-type: none"> • Persistent or repeated threatening or degrading behaviour • Bullying, racist comments, homophobic comments 	<ul style="list-style-type: none"> • HIGH • Notify/consult with LEO/LADO re referral to Contact Centre Childrens Team/ Police for action through Managing Allegations Strategy Meeting