

Allegations Against a Member of Staff



Action Learning takes its responsibility of care for its students seriously and fully endorses the principles and practice of Every Child Matters. We recognise that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

Any allegation of abuse of a student by a tutor must be reported to the designated safeguarding officer. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation to report it to the designated safeguarding officer or if that is not possible to pass details of the allegation to the designated safeguarding officer immediately.

Should the allegation be made against the designated safeguarding officer than this should be brought to the attention of the manager and/or the director.

Should the allegation meet any of the following criteria then the designated safeguarding officer should report the allegation to the local authority designated officer the same day that the allegation is received that a teacher or member of staff or volunteer at the school has:

- **behaved in a way that has harmed a child, or may have harmed a child or;**
- **possibly committed a criminal offence against or related to a child or;**
- **behaved towards a child or children in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children.**

The designated safeguarding officer will discuss the matter with the 'local authority designated officer' (LADO) and provide any further details of the allegation and the circumstances in which it was made.

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the designated safeguarding officer to deal with it in consultation with the manager and director. In such cases, if the nature of the allegation does not require formal disciplinary action appropriate action should be instituted 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.

Where further investigation is required to inform consideration of disciplinary action the designated safeguarding officer and the manager and director should discuss who will undertake

that with the local authority designated officer. The investigating officer should aim to provide a report to the employer within 10 working days.

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

Substantiated: there is sufficient identifiable evidence to prove the allegation; b. ***False:*** there is sufficient evidence to disprove the allegation;

Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;

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;

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.

On receipt of the report of the disciplinary investigation, the designated safeguarding officer and the manager and director should consult the local authority designated officer, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection. The local authority designated officer should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

Case subject to police investigation

If the police and/or Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the manager within three working days of the decision. In those circumstances the manager and the local authority designated officer should proceed as described above.

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 the children's social care services or the police.

The person who is the subject of the allegation should be kept informed of the progress of the case and consideration should be given to 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.

Version 1

To be updated July 2017

Signed Manager

M. Martin

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.