

**DERBYSHIRE LA**

**MANAGING ALLEGATIONS  
OF ABUSE  
AGAINST SCHOOL STAFF**



**The Village Federation  
of Carsington & Hopton and  
Kirk Ireton Primary Schools**



# **CONTENTS**

	<b><u>Page No</u></b>
<b>1. Introduction</b>	<b>4</b>
1.1 Principles.	5
1.2. Records	5
1.3. Explanation of Roles and Contacts.	6
<b>2. Making a Referral</b>	<b>7</b>
2.1 Action to be taken by a member of staff who hears an allegation from a child, parent, carer or other adult.	7
2.2 Action to be taken by Headteacher.	8
2.3 Initial consideration by the Headteacher and LEA Lead Officer (Child Protection, Education)	8
2.4 Allegations which call for an immediate referral to the Joint Child Protection Agencies.	9
2.5 Further Enquiries.	10
2.6 Subsequent Action by Social Services Department/Police.	10
2.7 The Strategy Meeting.	10
<b>3. Investigating an Allegation</b>	<b>11</b>
3.1 Direct Referral to the Police.	11
3.2 Notification to Interested Parties.	12
3.3 Action to be taken during a Section 47/Police Investigation.	12
3.4 Action to be taken if the Police/Section 47 Investigation closes without charge or CPS decide not to proceed.	12

3.5.	Action to be taken if the allegation is not referred to Social Services Department/Police.	13
3.6.	Action to be taken if the allegation is believed or found to be false and/or unfounded.	13
3.7.	Issues to consider where an allegation is shown to be false and/or unfounded.	13
3.8.	Action to be taken if a member of staff is found guilty at Court.	14
3.9.	Action to be taken if member of staff is found not guilty at Court.	14
3.10.	Suspension.	15
<b>Appendix 1 – Explanation Of Roles</b>		<b>16</b>
<b>Appendix 2 – Suspension</b>		<b>18</b>
1.	Introduction.	18
2.	Reason for Suspension.	18
3.	Procedure for Suspension.	19
4.	Reviews of Suspension.	20
5.	Suspension of Headteachers.	20
6.	Lifting Suspensions.	21
<b>Appendix 3 - Role Of The Contact Officer.</b>		<b>22</b>
1.	Introduction.	22
2.	Allocation of a Contact Officer.	22
3.	Role of the Contact Officer.	23
4.	Management Support.	23
<b>Appendix 4 – Procedure for Managing Allegations of Abuse Against Education Staff</b>		<b>24</b>
<b>Appendix 5 - Sources of Guidance and other Documents which may be useful.</b>		<b>25</b>
<b>Appendix 6 - Useful Contact Numbers.</b>		<b>26</b>

## 1. Introduction

**All school staff have a responsibility for the active protection of pupils from avoidable harm.**

The purpose of this document and procedure is to inform Governing Bodies and Headteachers about their responsibilities relating to the Management of Allegations and concerns about abuse of children in their care. It also provides a procedure which will fulfil those responsibilities, National Guidelines, and has been agreed with representative organisations, trade unions, and associations.

This document and procedure is based on the National Guidelines agreed between representatives of the Local Education Authorities and the teacher organisations in England and Wales. The National Guidelines were endorsed by the Association of Chief Police Officers and the Association of Directors of Social Services.

This document and procedure should be read and used alongside the Derbyshire Child Protection Procedures produced by the Area Child Protection Committee.

Due to their day to day contact with pupils, staff are in a position to observe outward signs of abuse, changes of behaviour or failure of a pupil to develop. They are therefore particularly well placed to refer concerns on to the appropriate agencies. School staff also play a key role in further developing the personal and social health of children.

Due to their close professional relationship with pupils, school staff are also vulnerable to allegations of abuse or misconduct. These accusations may be false, malicious or misplaced. They may also be true.

**It should be noted that school staff can harm pupils either deliberately or as a result of failure to follow procedures, policies or the code of conduct.**

For the purpose of these procedures a 'staff member' is a person whose work brings them into contact with children in an education setting. It applies to all staff whether paid or working in a voluntary capacity.

**In the case of an allegation against the Headteacher all actions should be undertaken by the Chair of Governors in consultation with the LEA Lead Officer (Child Protection, Education). In these circumstances any reference to action or actions to be taken by the Headteacher throughout this document should be read as action or actions to be taken by the Chair of Governors.**

## 1.1. Principles

- The protection of pupils from abuse of any kind is the responsibility of all school staff. Headteachers should ensure that staff and pupils are aware of how to report concerns of abuse.
- Headteachers are responsible for creating and maintaining a safe and healthy environment in the school.
- Allegations or concerns made by or on behalf of a child should always be taken seriously and referred to the investigating agencies, as appropriate.
- Child Protection investigations should be conducted in a way that recognises the vulnerability of staff to mistaken or false allegations being made.
- Investigations must be dealt with quickly, fairly, and impartially. The member of staff should be informed about the allegation as soon as possible but in accordance with the procedure.
- The rights of the child and member of staff must be considered. Where there is a conflict between the interests of the adult and those of the child the Children Act 1989 requires that the child's interests must be paramount.
- **Children must be listened to.** If a child reports that a member of staff has harmed them or another child they must be taken seriously.

'Listened to' means just that. Children should not be interrogated or asked repeated questions, but must be listened to and a written record made of the initial conversation as soon as practicable. **On no account should suggestions be made to children as to alternative explanations for their worries.**

- **Total confidentiality cannot be guaranteed.** Staff should not promise total confidentiality to pupils who make allegations. The pupil should be informed that they have a duty to inform the Headteacher/Chair of Governors. The pupil should be reassured that support will be made available to them. This will normally be from the child protection co-ordinator for the school.
- Detailed records should be made and kept about any allegation, its nature, actions, investigation and outcomes.

## 1.2 Records

- Documents relating to an investigation must be retained in a secure place by the school, together with a written record of the outcome of the investigation and, where disciplinary action has been taken, retained on the member of staff's personal and confidential file in accordance with the school's disciplinary procedures.
- If the member of staff is dismissed, or resigns before the disciplinary process is completed, they should be informed about the employer's statutory duty to report the case to the Department for Education and Skills Teachers'

Misconduct Section and/or the General Teaching Council, for consideration of their debaring from further employment.

- Where a pupil has made an allegation a copy of the statement or the record made of it should be kept on the section of a pupil's personal file which is not open to disclosure together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings records may be subject to disclosure and, therefore, no assurances can be given as to confidentiality.

### 1.3 **Explanation of Roles and Contacts**

**Appendix 1** Provides a brief outline of the roles specific agencies, officers and other individuals have in managing allegations against staff.

**Appendix 3** Provides detailed information about the role of the Contact Officer.

**Appendix 6** Provides the contact telephone numbers for specific officers and agencies. These will be amended if and when they change so that they should always be accurate and up to date.

**In the case of an allegation against the Headteacher all actions should be undertaken by the Chair of Governors in consultation with the LEA Lead Officer (Child Protection, Education). In these circumstances any reference to action or actions to be taken by the Headteacher throughout this document should be read as action or actions to be taken by the Chair of Governors.**

## 2. Making a Referral

All staff have a legal responsibility to report any allegation made to them or if they believe a child is being harmed by another employee. Children who tell any member of staff that they have been abused or harmed by another member of staff must be listened to and taken seriously.

There will however be instances where allegations made do not require referral under local child protection procedures detailed above. The LEA Lead Officer (Child Protection, Education) should be consulted if there are any doubts. Those instances are as follows:

- (i) Where the allegation relates to the use of reasonable force, in accordance with s.550A of the Education Act 1996 and DfEE Circular 10/98 and Welsh Office Circular 37/98, it will be appropriate for the Headteacher to deal with the matter at school level. The LEA issued guidance on this, Physical Intervention in Schools – Guidance, in August 2003. An allegation of assault beyond the use of reasonable force would however need to be dealt with in accordance with the Authority's Child Protection Procedure.
- (ii) Where following initial consideration it is absolutely clear to the LEA Lead Officer (Child Protection, Education) and the Headteacher, that the allegation is demonstrably false by virtue of the fact that the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, then the matter can be dealt with at school level. However, in these circumstances, it should be borne in mind that if a child has made an obviously false allegation, this may well be a strong indicator of abuse elsewhere which requires further exploration. The best way for this to be achieved is through an inter-agency referral in order that any underlying causes can be identified.
- (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under the school's disciplinary procedure.

When considering making a referral reference should also be made to the relevant sections of the Authority's Child Protection Procedures.

### 2.1 **Action to be taken by a member of staff who hears an allegation from a child, parent, carer or other adult**

Staff must inform the Headteacher immediately of the concern or allegation and must provide a full written account of what the pupil has said. They must not attempt to investigate the allegation as this may prejudice any subsequent actions by the school.

If the concern or allegation is about the Headteacher, the member of staff should inform the Chair of Governors and contact the LEA Lead Officer (Child Protection, Education).

## 2.2 **Action to be taken by Headteacher**

**The headteacher must not take any action or begin any investigation before consulting the LEA Lead Officer (Child Protection, Education).**

It is the responsibility of the police and the Social Services Department to investigate allegations of abuse. The Headteacher should not, therefore, investigate the allegation, or interview the pupil, possible witnesses, or discuss the allegation with the member of staff who is the subject of the allegation.

The Headteacher should ascertain whether there could be substance to the allegation by finding out:

- If the pupil was in school at the time(s) and on the day(s) the allegation relates to?
- Did the pupil have contact with the member of staff?
- Have any other potential witnesses come forward?

If these are confirmed the Headteacher or Chair of Governors if appropriate, should:

- Consult and seek advice from the LEA Lead Officer (Child Protection, Education).
- Ask for a written account from the employee to whom the allegation was made and countersign and date the written account.
- Record any information about times, dates, location and names of potential witnesses.

If the LEA Lead Officer (Child Protection, Education) is not available the Headteacher, or Chair of Governors if appropriate, should seek advice from:

- Head of Social Inclusion
- Head of Education Department Personnel

## 2.3 **Initial consideration by the Headteacher, or Chair of Governors if appropriate, and the LEA Lead Officer (Child Protection, Education).**

The Headteacher, or Chair of Governors if appropriate, and LEA Lead Officer (Child Protection, Education) must consider the allegation and determine the appropriate way forward. There are four possible options:

- i. An immediate referral to the joint child protection agencies (Police, Social Services and LEA) under the Derbyshire Child Protection Procedures as outlined in Section 2.4.
- ii. Further local enquiries need to be made to gather more information and/or clarification as outlined in Section 2.5.

- iii. The allegation may have arisen because of inappropriate behaviour by the employee but it is not a child protection issue in which case the incident may need further investigation and/or consideration of potential disciplinary action.
- iv. The Headteacher and LEA Lead Officer (Child Protection, Education) may conclude that the allegation is without foundation or following a full investigation the Police/Social Services Department may determine the allegation is without foundation.

Without foundation means that no evidence has been found to suggest that the member of staff against whom the allegation was made had harmed the pupil or acted in an unprofessional manner. In these circumstances:

- The Headteacher and LEA Lead Officer (Child Protection, Education) will agree a strategy plan outlining what action should be taken, by whom and in what timescales.
- Children who make false allegations are entitled to continue to receive support and full access to the curriculum.

At this stage it may be necessary to consider whether it is appropriate to suspend the member of staff. (See Section 3.10 and Appendix 2)

#### **2.4. Allegations which call for an immediate referral to the Joint Child Protection Agencies**

An immediate referral to the Joint Child Protection Agencies must be made if:

- The pupil has suffered, is suffering, or is likely to suffer significant harm. The harm may be of a physical, sexual or psychological nature.
- It is alleged that a criminal offence has been committed. Any physical injury to a pupil may constitute the criminal offence of assault and must therefore be treated as a Child Protection referral.
- The allegation is of a sexual nature.
- The pupil is alleged to have suffered prolonged and/or repeated intimidation by an employee.

It is important for all school staff to note that some other complaints may also be deemed child protection issues. Headteachers must, therefore, consider each complaint carefully in consultation with the LEA Lead Officer (Child Protection, Education) before taking any action.

When an allegation is referred to Social Services subsequent action will be in accordance with the local Child Protection Procedures agreed by Derbyshire Area Child Protection Committee (ACPC).

## **2.5. Further Enquiries**

The LEA Lead Officer (Child Protection, Education) and Headteacher may decide that further enquiries are necessary to determine the nature of the allegation. **The Headteacher must not undertake a full and detailed investigation of the allegation but only make further enquiries as agreed with the LEA Lead Officer (Child Protection, Education).**

## **2.6. Subsequent Action by Social Services Department/Police**

When an allegation has been referred by the LEA Lead Officer (Child Protection, Education) and accepted by the Police and/or Social Service Department, a Strategy Meeting will be arranged.

The member of staff who is the subject of the allegation will not be invited to attend the meeting. That member of staff should be informed that an allegation has been made against them as soon as practicable but no details should be disclosed. The timing of this will be agreed at the Strategy Meeting.

## **2.7 The Strategy Meeting**

2.7.1 The Strategy Meeting will be attended by the Headteacher, or Chair of Governors if appropriate, and representatives from Social Services and the Police, LEA Lead Officer (Child Protection, Education) or his/her representative and LEA Personnel. It will be chaired by a Child Protection Manager.

2.7.2 Purpose of the Strategy Meeting is to:

- Consider the risk to the child/other children.
- Determine the need for an investigation and by whom.
- Establish a clear action plan with timescales.
- Ensure staff and pupil(s) receive appropriate support.
- Determine who should inform the member of staff about the allegation and what information can be disclosed.
- Consider the need to inform other relevant parties.
- Decide whether further meetings will be required.

The members of the meeting will balance the welfare of the child which must remain paramount and the interests of the member of staff.

### 3. Investigating An Allegation

Investigations may have three related but independent aspects and the Strategy Meeting will determine the type of investigation as well as which aspects should be followed. They are:

- Child Protection issues and an investigation under Section 47 of the Children Act.
- Potential criminal offence such as assault and a Police investigation.
- A potential act of misconduct and a disciplinary investigation. Any disciplinary investigation should be clearly separate from the Child Protection investigation.

A Child Protection investigation must take preference.

It is good practice not to begin any disciplinary investigation until the outcome of the Child Protection investigation is known. **No disciplinary action should begin without the consent of the Police and Social Services.**

#### 3.1 Direct Referral to the Police

Parents or pupils may make a direct referral to the Police regarding actions by a member of staff. Any such referral must be dealt with in accordance with the procedures. The Police are aware that allegations against staff should be made to the Headteacher or Chair of Governors in the first instance unless the matter is very serious. The Police will normally encourage parents to do so.

- i. Allegations made to the Police must be referred to the Police Family Support Unit which will immediately inform, and discuss with, Social Services and the LEA Lead Officer (Child Protection, Education). Consideration will be given to the nature of the allegation, any information available from the school, LEA, and Education Department Personnel. Any further action which is required will be determined at the Strategy Meeting.
- ii. In some cases the Police may wish to interview the member of staff against whom the allegation has been made before an LEA officer or Headteacher has informed the member of staff of the allegation. Whilst this should only occur on rare occasions following a serious allegation it must be facilitated and confidentiality maintained.
- iii. When the Police are involved, it would not normally be expected that Police interviews would be undertaken on school premises. It would be expected that appointments are normally made for such interviews to occur at reasonable times.

### **3.2. Notification to interested parties**

The Headteacher or other parties in consultation with the LEA Lead Officer (Child Protection, Education) must ensure there is no objection by the Police before contacting any parties involved in the allegation. Subject to there being no objection, the Headteacher or, where appropriate, the Chair of Governors should inform the following about the action which will be taken in response to the allegation:

- The child/children who have made the allegation in consultation with their parents.
- The member of staff against whom the allegation has been made.
- The Chair of Governors/nominated governor of the school.

If the Police have objections to informing any of these parties it then becomes their responsibility to inform the Headteacher/LEA when the notifications may take place.

A written record of who, what, and when should be kept.

### **3.3. Action to be taken during a Section 47/Police investigation**

A contact officer will be appointed to support the member of staff. The role of this person is explained in **Appendix 3**.

The LEA Lead Officer (Child Protection, Education) will be responsible for checking the progress of any investigation. Close communication is required between the LEA, Education Department Personnel, Police and Social Services. The initial Strategy Meeting will have determined the need for any further Strategy Meeting(s) and how the progress of the investigation will be monitored.

If the Police refer the matter to the Crime Prosecution Service because there is an alleged criminal offence committed by a member of staff and/or the matter is placed before the Court, monthly contact must be made by the LEA Lead Officer (Child Protection, Education) with the Police and Social Services to check the progress of the case. (See sections 3.8 and 3.9 re: court outcomes).

### **3.4. Action to be taken if the Police/Section 47 investigation closes without charge or Criminal Prosecution Service decide not to proceed**

If the Police/Section 47 investigation closes without a charge being made the Police or Social Services Department must inform the LEA Lead Officer (Child Protection, Education) immediately. A further Strategy Meeting will be convened if the investigation has highlighted professional conduct issues which may need to be addressed through the school's disciplinary procedure.

### **3.5. Action to be taken if the allegation is not referred to Social Services Department/Police**

If the allegation is deemed not to be a child protection issue the LEA Lead Officer (Child Protection, Education) and Headteacher will discuss whether to:

- Take no action if the allegation is accepted to be of a malicious or false nature.
- Issue an informal “warning” and/or professional advice. This will only be in the case of a minor professional conduct issue.
- Carry out an investigation in accordance with the school’s disciplinary procedure. This will be in the case of a more serious professional conduct issue.

### **3.6. Action to be taken if the allegation is believed or found to be false and/or unfounded**

Following an Investigation the Headteacher or LEA Lead Officer (Child Protection, Education) may conclude that the allegation is false and/or without foundation or following a full investigation the Police or Social Services may determine the allegation is false and/or without foundation.

Without foundation means that no evidence has been found to suggest that the member of staff against whom the allegation was made has harmed the pupil or acted in an unprofessional manner.

The Headteacher and LEA Lead Officer (Child Protection, Education) will agree a strategy plan outlining what action should be taken, by whom and in what timescales.

Children who make false allegations are entitled to continue to receive support and full access to the curriculum.

### **3.7 Issues to consider where an allegation is shown to be false and/or unfounded**

When an allegation is found to be false and/or unfounded it is important to:

- Consider whether the child might have been abused by someone else and whether a referral should be made under the Child Protection Procedures.
- Consider in consultation with Social Services and/or the Police, as appropriate, what information should be given to the child and/or family who made the allegation.
- Consider whether additional support is appropriate for the pupil who made the allegation.

- Consider whether additional support is appropriate for the member of staff against whom the allegation has been made or for any or all other members of staff.
- Inform the member of staff that the allegation is false or unfounded and that no further action is to be taken. This should be confirmed in writing. The contact officer will already have been supporting and arranging counselling for the member of staff as appropriate.
- Discuss the necessary steps to support the member of staff's return to work if they have been suspended.

### **3.8 Action to be taken if a member of staff is found guilty at Court**

If the member of staff is found guilty of a criminal offence the matter will need to be considered by the Governing Body in accordance with the school's disciplinary procedure. In these circumstances guidance will be provided by a Senior Personnel Officer from Education Department Personnel and the Headteacher should contact the Head of Education Department Personnel for advice.

### **3.9 Action to be taken if member of staff is found not guilty at Court**

If the member of staff is found not guilty at Court this does not automatically mean they can return to school immediately. A review of the situation and circumstances, and any suspension, will take place within five working days.

A Strategy Meeting should be convened to consider all the information available and to determine an appropriate course of action and in particular whether the matter needs to be dealt with in accordance with the school's disciplinary procedure. A clear action plan with a timescale should be agreed and include:

- Any further action in accordance with the school's disciplinary procedure.
- What information should be given to the child and family which made the allegation.
- What information should be given to the other staff at the school and whether a meeting to update staff on the current position would be helpful.
- What information should to be given to other parents.
- What support should be made available to the pupil and/or family which made the allegation.
- What support should be made available to the member of staff against whom the allegation has been made.

If suspended the member of staff should not return to school until after the Strategy Meeting has taken place and where appropriate:

- The disciplinary process is completed and appropriate action taken.

- A clear action plan is in place to support the child who made, or is the subject of, the allegation.
- A clear action plan is in place to support the member of staff against whom the allegation was made.

### **3.10 Suspension**

Suspension is not an automatic act in response to an allegation of any kind. If an allegation is made against a member of staff they should not, therefore, automatically be suspended. Suspension is not only a traumatic experience for the individual involved but also for their family, other children at the school, their parents and for other staff at the school. It is, therefore, important to give serious consideration as to whether suspension is necessary.

If a decision is made that the member of staff against whom the allegation has been made should be suspended either at the beginning of the process or during the investigation, **the Headteacher must consult with the Head of Education Department Personnel to ensure the correct procedure is followed.** The Procedure for suspension is included as **Appendix 2** to this document.

A decision to suspend a member of staff can only be taken by the Headteacher, or in the case of the Headteacher, the Chair of Governors. Suspension should only be considered if:

- The member of staff could pose a risk to the child and or other children at the school.
- The continued presence of the member of staff at the school could impede or prejudice an investigation.
- The information available indicates that the member of staff may have committed an act of gross professional misconduct.

It is important that alternatives to suspension are also considered for example:

- Removing member of staff from direct contact with pupils.
- Ensuring member of staff does not teach the pupil making the allegation.
- Alternative working arrangements.
- An alternative workplace.
- Consideration to member of staff's physical, mental, emotional, welfare, i.e. visit to GP, Counselling.

## **EXPLANATION OF ROLES**

### **LEA Lead Officer (Child Protection, Education).**

This is the senior officer within the Education Service who has overall responsibility for liaising with Headteachers, governors, members of senior staff from the Police and Social Services, senior managers from the Education Department, and the DfES Teachers' Misconduct Team on all matters relating to allegations made against adults within the Education Service.

### **Headteacher**

The Headteacher of a school is responsible for establishing and maintaining a safe and secure environment in the school and ensuring all staff are aware of the Child Protection Procedures. The Headteacher must consult with the LEA Lead Officer (Child Protection, Education) regarding any allegation of abuse made against a member of staff and attend any meetings as requested. The Headteacher is responsible for taking forward any action within the school which is required to protect children.

### **Child Protection Co-ordinator**

The Child Protection Co-ordinator provides advice to staff on general child protection issues and what constitutes abuse when staff are involved. They also advise on school child protection policies and make sure that the school environment safeguards the interests of children and staff. They will also make sure that all staff are aware of their responsibilities under the Child Protection Procedures and that the procedures are appropriately adhered to.

### **Member of Staff**

This is any adult, paid or voluntary, who works in a school, service, or educational establishment, within the LEA. Every member of staff has responsibility for the protection of pupils and must report any allegations of abuse to the Headteacher.

### **Chair of Governors**

The Chair of Governors is responsible for liaising with the LEA Lead Officer (Child Protection, Education) when an allegation is made against the Headteacher. In these circumstances the Chair of Governors will attend Strategy Meetings and take forward any action that is needed to protect pupils within the school.

### **Nominated Governor**

The role of the Nominated Governor is to monitor school policies as they relate to the welfare of children and to measure the impact of child protection issues on school staff and pupils. They will also make sure that all staff are aware of their responsibilities under Child Protection Procedures and that the procedures are appropriately adhered to.

## **Police**

The Police have a duty and responsibility to investigate any allegations of, and/or, criminal offences committed against children. These allegations are dealt with through the unit in the force that is responsible for child protection. There should be a senior officer who has oversight of cases involving professionals and who is responsible for ensuring that there is effective liaison with other agencies.

## **Social Services**

Social Services have specific legal duties in respect of children under the Children's Act 1989. They have a general duty to safeguard and promote the welfare of children in their area who are in need and to make enquiries if they have reason to suspect that a child in their area is suffering or likely to suffer significant harm. There should be a senior officer who has oversight of cases involving professionals and is responsible for ensuring that there is effective liaison with other agencies.

### SUSPENSION

#### 1. Introduction

Suspension is traumatic for the member of staff, their family, and their colleagues as well as pupils and their parents. It is, therefore, important to have, and follow, an appropriate procedure to ensure that suspension does not occur unnecessarily and to avoid potential challenges when it is believed to be appropriate and takes place.

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

#### 2. Reasons for Suspension

A member of staff may be suspended from duty in the following circumstances:

- Where a child or children are at risk.
- Where an allegation of gross misconduct has been made against the member of staff and dismissal is possible.
- Where an allegation of misconduct has been made against the member of staff and it is judged that their continued presence in the workplace may impede or prejudice the investigation.
- where an allegation of misconduct has been made against a member of staff the nature of which could involve potential risks to pupils or other employees.
- Where other relevant circumstances arise, such as Formal Competence Procedures and evidence is available that no teaching or learning is taking place, and which will lead to a recommendation to the Governing Body for the member of staff to be dismissed.

In some circumstances, for example where there is a clearly vexatious allegation made against a member of staff in a school, a different approach could be considered. To suspend a member of staff following an allegation of this nature may be unnecessary and damaging. In these circumstances the Headteacher should seek advice from the LEA and consider the weight and balance of the circumstances and evidence available before making any decision.

In cases of allegations of potential child abuse, if a decision not to suspend is taken, this should be clearly documented with reasons and the LEA and Chair of Governors informed. Headteachers should be aware of Derbyshire's Child Protection and other LEA Procedures when dealing with allegations against members of staff.

### 3. Procedure for Suspension

Any decision to suspend a teacher can only be made by the Headteacher or Chair of Governors following consultation with the Head of Education Department Personnel. Suspension should only occur when all other alternatives have been considered. The Chair of the Governors should be informed of any actions taken by the Headteacher.

The absence of advice from the Head of Education Department Personnel does not absolve the Headteacher from the responsibilities to make a decision, neither does the absence of the Headteacher prevent others from doing so.

- The suspension must be carried out face to face with the member of staff concerned at a specifically convened meeting. The member of staff should be offered the opportunity to be accompanied, usually by their trade union representative, at the meeting and the Headteacher or Chair of Governors may be accompanied by a representative from the LEA.
- The meeting must be handled sensitively. The member of staff should be informed that an allegation has been made against them and that they are being suspended as a precautionary measure pending a full investigation of the allegation. Also that suspension is a neutral act, implies no guilt, and will be on normal contractual pay.
- The member of staff should be given as much information, including reasons for their suspension, as is consistent with not interfering with or prejudicing the investigation of the allegation. The LEA will advise on this in liaison with other Child Protection agencies.
- The member of staff should be assured that they will remain an employee of the County Council and the School. The member of staff should also be informed that they will be required to attend an investigation interview and will be given the opportunity to state their version of events and any other information they think relevant. In cases of allegations which relate to child protection this interview will normally be conducted by the Police.
- The member of staff should be advised to seek advice and assistance from their professional association or trade union. A member of staff who is not a member of a professional association or trade union may seek advice from and be assisted by a colleague or 'friend'.
- The member of staff should be offered a Contact Officer, normally from outside their line management and usually from the LEA, who can offer help, support and guidance during their suspension and subsequently, if necessary and appropriate. Guidance on the role of the Contact Officer is included as **Appendix 3**. Where there is a need to suspend a member of staff on a Friday or immediately before a holiday period, special consideration should be given to the support arrangements.

- It should be explained to the member of staff that their suspension will be on normal pay and that they will be required to be contactable during their suspension. Also, that in order not to prejudice the objectivity of the investigation, they will not be permitted to attend the workplace or contact any colleagues or other staff without the prior permission of, and agreement of arrangements with, the Headteacher.
- The member of staff should be informed that their suspension will be confirmed in writing, that the period of suspension will be kept under review, with a formal review after one month, and that they will be kept informed of the progress of the investigation. Wherever possible written confirmation should be prepared and handed to the individual at, or provided as soon as possible after, the meeting.
- The Headteacher should agree with the member of staff what their colleagues and the wider school community will be told about and the reason for their absence. This is particularly important in sensitive situations and will allay continued suspicions or doubts about the absence if the member of staff returns to work when the investigation or associated action has been concluded.
- Arrangements should be made for the member of staff to return any school or pupils books, property, or keys, and by agreed arrangement and supervision, collect any personal belongings which they might need during their suspension.

#### **4. Reviews of Suspension**

Any suspension must be reviewed regularly and is subject to a formal review with the member of staff and their professional association, trade union, or other representative after one month.

The purpose of a review is to ensure that the suspension is as short as possible. It is unfair to a member of staff to delay the investigation and resolution of any issues, particularly disciplinary, arising from it.

Except in very complex circumstances where it is, or may be, unavoidable, a protracted suspension may be open to subsequent challenge.

#### **5. Suspension of Headteachers**

If an allegation is made against a Headteacher and they are to be suspended this should be carried out by the Chair of Governors following the same procedure as for other members of staff. If a Headteacher is suspended, the same principles will apply except that the Chair of the Governors will be responsible for the suspension as well as associated and subsequent actions. Advice will be provided to the Chair of Governors by the LEA in these circumstances.

## **6. Lifting Suspensions**

Suspension of any member of staff can only be lifted by the Governing Body.

The Governing Body will be given only the minimum information for it to make a reasonable and appropriate decision to do so on an informed basis. The Governing Body will also need to be reassured that the health, safety and welfare of pupils can be maintained and that appropriate support is available for all concerned.

It will be important to maintain confidentiality and this should be emphasised to all of the Governors. The Governing Body will also need to agree what information can be made available to staff, parents, and the wider school community without breaching the confidentiality of the situation.

**ROLE OF THE CONTACT OFFICER**

**1. Introduction**

It is recognised that there is a need, both at school and Local Education Authority level, to provide some means of support to a member of staff who is the subject of an allegation at work, or who has been suspended as a consequence of an allegation. The member of staff involved may experience feelings of stress, worry, and depression and may also feel isolated from their workplace, colleagues, friends and relatives.

It is important that any member of staff in this situation is regularly informed about what is happening in relation to the allegation and investigation, as a lack of information may itself lead to further stress and potential ill health. It should be recognised and appreciated that the allegation may have placed the member of staff in a difficult situation when handling the implications of the allegation for their family.

In order to provide support in these circumstances, and particularly where a member of staff is suspended, an appropriate person should be asked to act as Contact Officer for the member of staff. The Contact Officer should be totally objective and not involved in the investigation or subsequent action in any way. Their role is only to provide support to the member of staff.

Professional support relating to the investigation will also be available to the member of staff from their professional association or trade union. It is intended that the support from the Contact Officer will be complementary to this support.

**2. Allocation of a Contact Officer**

- The Contact Officer will normally be outside of the line management of the member of staff and will often be from the LEA's Personnel Team.
- The Contact Officer should be a sensitive and caring person who will be able to provide the necessary level of support to the member of staff and, if appropriate, make any contacts on their behalf.
- The Contact Officer must be acceptable to the member of staff and if not, for whatever reasons, an alternative Contact Officer will be offered.
- The name and contact arrangements should be confirmed in writing to the member of staff and reference to the Contact Officer should be made in any letter of suspension.
- The Contact Officer will make initial contact with the member of staff as soon as practicable. Subsequent contact will be according to the wishes of the member of staff and their professional association or trade union representative.

### **3. Role of the Contact Officer**

The role of the Contact Officer is to:

- Reassure and offer confidential help and support to the member of staff. In particular, the Contact Officer should be available to listen to and identify any indications about the state of health and well-being of the member of staff.
- Recognise that the circumstances may be personally very stressful to the member of staff and to help them to cope with this. This may involve supporting the member of staff in seeking additional help or counselling from their GP, LEA, Occupational Health, or other counselling.
- Feedback any concerns, without breaching any confidentiality about the health and well-being of the member of staff so that appropriate action can be taken by the school or Authority.
- Offer any other support which may be necessary.
- Support the member of staff until the investigation and any subsequent action is concluded. Depending on the outcome this may involve continuing the support, until the member of staff has returned to, and settled back into, their workplace.

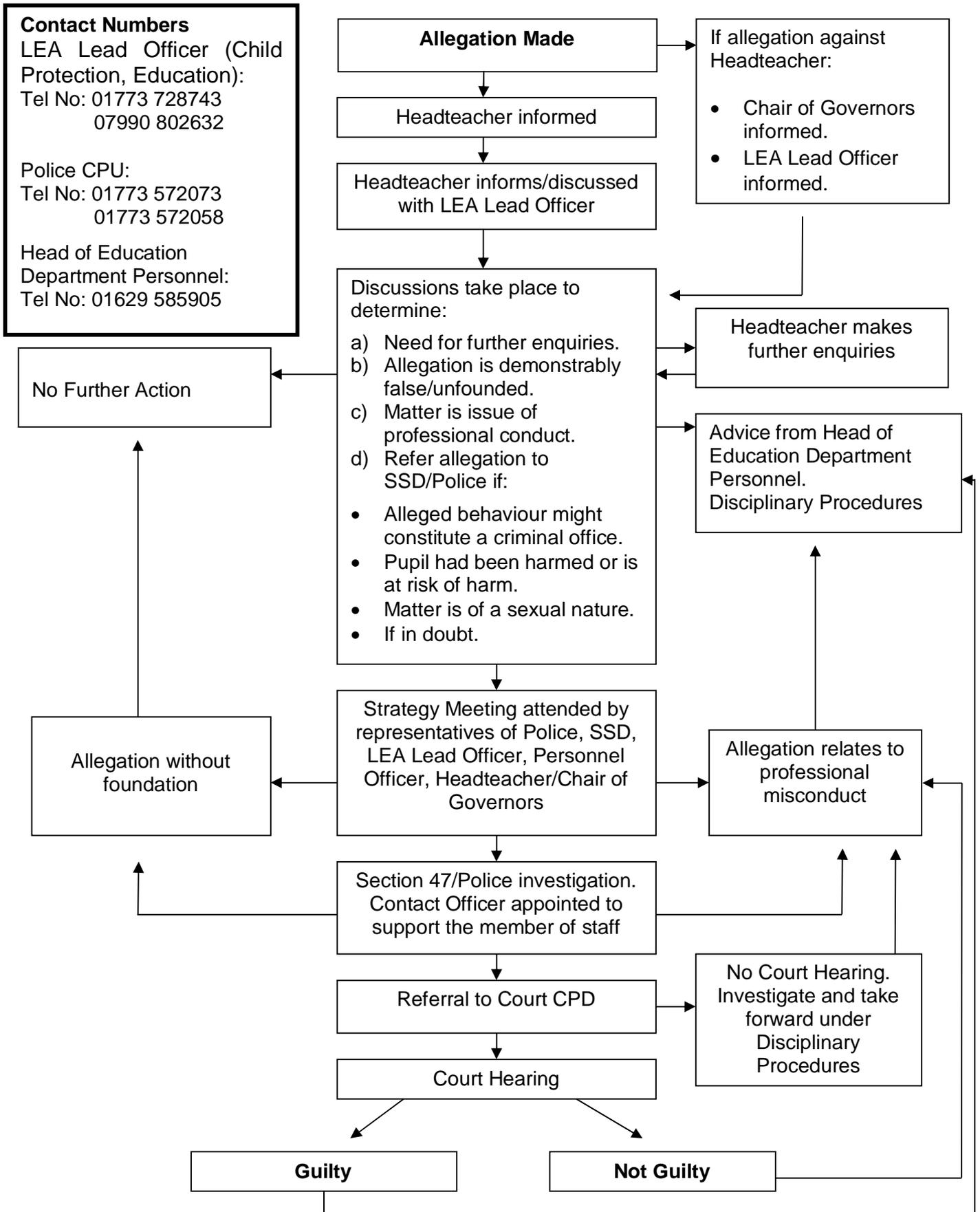
### **4. Management Support**

The Contact Officer has a key role in supporting a member of staff who has had an allegation made against them. Support from a Contact Officer will be made available to all members of staff who are suspended, but particular attention will be paid to situations which, by their nature, are especially sensitive, such as those relating 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 for the member of staff.

The Contact Officer's own line manager needs to be aware of their involvement in supporting a member of staff and the impact and effect which this may have on the Contact Officer in personal terms and in relation to time commitment.

**FLOWCHART**

**PROCEDURE FOR MANAGING ALLEGATIONS OF ABUSE AGAINST EDUCATION STAFF**



**SOURCES OF GUIDANCE AND OTHER DOCUMENTS WHICH MAY BE USEFUL**

- Derbyshire Child Protection Procedures.  
Email address: [www.derbyshireacpc.org.uk](http://www.derbyshireacpc.org.uk)
- DfES – Education Staff and Child Protection Staff facing an allegation of abuse.  
Guidelines on practice and procedure.
- DfES Managing allegations of abuse against staff.
- DfES Circular 10/95 ‘Protecting Children from Abuse: The Role of the Education Service’.
- Department of Health ‘Working together to safeguard children 1999’.
- Physical Intervention in Schools – Guidance (August 2002). (Extranet).
- Definitions and Thresholds for Managing Allegations against Education Staff.  
IRSC. January 2004.
- Managing the Aftermath of Unfounded and Unsubstantiated Allegations.  
IRSC. January 2004.
- What to do if you’re Worried a Child is Being Abused. Dott 2003.
- Staff Subject to Allegations : Thresholds for and Alternatives to Suspensions.  
IRSC. January 2004.
- Joint NEOST/Teacher Union Guidance on Preventing Abuse of Trust for Teachers,  
Education Staff and Volunteers. September 2002.  
Email address: [www.lg-employers.gov.uk](http://www.lg-employers.gov.uk)

**LIST OF USEFUL CONTACT TELEPHONE NUMBERS**

1. **Education Department**

Head of Education Personnel	01629 585904 01629 580000 Ext 2904
LEA Lead Officer (Child Protection Education)	01773 728743 07990 802632
Head of Social Inclusion	01629 580000 Ext 6450

2. **Social Services Department**

Child Protection Managers:	
- North	01246 347636/5/4
- South	01773 728737

3. **Police**

Central Referral Unit for Child Protection Matters	01773 572073 01773 572058
---	------------------------------