

HANDLING ALLEGATIONS OF ABUSE AGAINST STAFF

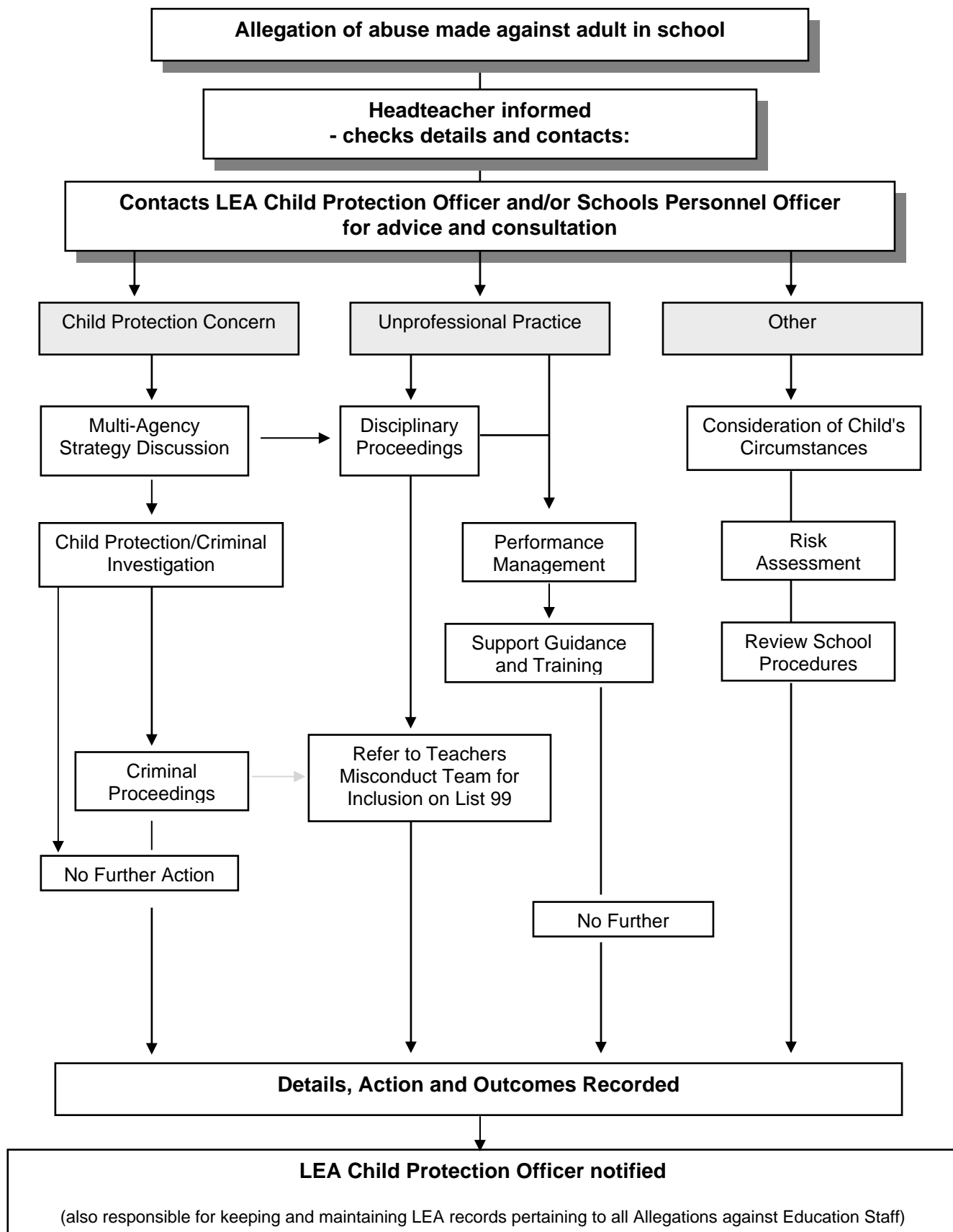
PROCEDURES FOR SCHOOLS

APRIL 2004

NOTE:

These procedures only apply to allegations against members of staff. The normal process of referral under Child Protection Procedures must be followed in the event of a child reporting an allegation against any other person. It is strongly recommended, as a matter of course, that all parents should be informed of the school's procedures for dealing with concerns and referrals.

FLOWCHART FOR RESPONDING TO ALLEGATIONS OF ABUSE BY ADULTS IN SCHOOLS



HANDLING ALLEGATIONS OF ABUSE AGAINST STAFF PROCEDURES FOR SCHOOLS

1. INTRODUCTION

- 1.1 These procedures are based on the national guidelines agreed between representatives of the local education authorities and the teacher organisations in England and Wales. They are the subject of agreement with the recognised Teacher Associations/ Trade Unions in Lancashire and the Diocesan/Church Authorities and are commended to all maintained schools.
- 1.2 These procedures should be used alongside the Multi-Agency Policy, Guidance and Procedures produced by the Lancashire Area Child Protection Committee (LAPC).
- 1.3 Without compromising the need for essential child protection, these guidelines are designed to be consistent with the principles of natural justice.
- 1.4 Headteachers and designated persons should be familiar with the provisions of the procedures above (see 1.2) and "Working Together to Safeguard Children"¹. The Authority will ensure effective means of disseminating information about child protection procedures to head teachers, to designated teachers within schools with responsibility for child abuse matters, to other staff and to governing bodies.
- 1.5 The term 'staff' in these procedures refers to any adult working in, or on behalf of, a school in either a paid or unpaid capacity.

2. DEFINITIONS

- 2.1 *Designated Person* A senior member of the staff of a school with specific responsibility for co-ordinating action with the school and for liaising with Social Services and other agencies over suspected child abuse. It may be appropriate for another senior person to be named as the alternate to the Headteacher if he/she is the designated person.

¹ Working Together to Safeguard Children, Department of Health, Home Office, Department for Education and Employment HMSO 1999

2.2 Governing Body

Some governing bodies have found it helpful for an individual governor to champion child protection issues (but not specific cases). In dealing with allegations of abuse made against the Headteacher, it should be the Chair of Governors or, in the absence of the Chair, the Vice/Deputy Chair who takes the lead. The governing body will decide who is responsible for liaising with the Headteacher/designated person at the school over matters regarding child protection issues. Ideally this role would involve:-

- (a) ensuring, in liaison with the Headteacher/designated person, that the school has a child protection policy and procedures in place which are consistent with the Lancashire Area Child Protection Committee Multi-Agency Policy, Guidance and Procedures*
- (b) ensuring that an annual item is placed on the governors' agenda to report on changes to child protection policy/procedures, training undertaken by the designated person, other staff and governors, the number of incidents/cases (without details or names) and the place of child protection issues in the school curriculum.*
- (c) responsibility for the overview of procedures relating to liaison with the LEA, Social Services and the Police in relation to any allegations of child abuse made against the Headteacher, including possible attendance at strategy meetings (NB: The designated governor acting in this capacity will have no part in the investigation of a complaint against the Headteacher under these procedures. He/she will be a liaison person ensuring good communication between all parties).*
- (d) attendance at child protection training for governors. All governors should attend this, if at all possible.*

2.3 Designated LEA Senior Officer

The Authority has a senior nominated officer with responsibility for co-ordinating education service policy and action on child protection. This officer is the County Education Welfare Officer and is the LEA's representative on the Lancashire Area Child Protection Committee. This officer manages the Child Protection Development Officer who is responsible for supporting and maintaining child

protection policy and practice within the LEA.

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| 2.4 | <i>LEA Child Protection Officer</i> | <i>The contact person within the LEA Child Protection Service for advice/liaison following any allegation against a member of staff. Liaises with School Personnel Team in respect of co-ordinated action and record keeping</i> |
| 2.5 | <i>Senior Area Personnel Officer</i> | <i>The contact person within the LEA Schools Personnel Team for advice/liaison following any allegation against a member of staff. Liaises with LEA CP Officer in respect of co-ordinated action and record keeping.</i> |
| 2.6 | <i>Education Welfare Service Team Manager</i> | <i>Provides general advice and guidance on child protection issues.</i> |
| 2.7 | <i>Diocesan/Church Authority Officer</i> | <i>In the case of Church Aided schools, the appropriate Diocesan/Church Authority Officer will also offer advice and guidance in relation to any allegation against a member of staff.</i> |

3. CHILD PROTECTION ISSUES

- 3.1 Because of their day-to-day contact with children, staff have a positive role in child protection. They may observe outward signs of abuse, changes of behaviour or failure to develop. School staff are in a particularly good position to further the personal and social development of children.
- 3.2 Staff have a responsibility for the active protection of pupils from avoidable harm. They are vulnerable to the possible consequences of their close professional relationships with pupils, and to the potential for false, malicious or misplaced allegations being made by pupils or parents either deliberately or innocently, arising from the normal and proper association with members of staff. However, it is regrettably the case that, in rare instances, some teachers and other members of school staff have been found to be responsible for child abuse.
- 3.3 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. It is also essential that all the agencies involved act in a manner and at a speed commensurate with the nature and level of the concern once suspicions are brought to their attention. 'Working Together' points out that the police have a duty to investigate criminal offences committed against children and such investigation should be carried out sensitively, thoroughly and professionally. Potential for damage to the long-term future of the child as a result of precipitate action

- 3.4 It must be acknowledged that when an allegation of abuse is made, any over-hasty or ill-judged decision to suspend a member of staff immediately can have a substantial, detrimental effect upon their career. There will usually be a range of options to be considered, only one of which is suspension. Suspension can be traumatic for the member of staff concerned, and also affects children at the school, their parents and other staff. A member of staff facing an allegation of abuse needs to have confidence that agencies will act in a careful, measured way when allegations are brought to their attention.

4. LISTENING TO CHILDREN

- 4.1 Children who report to any member of staff that they have been abused by another member of staff must be listened to and heard, whatever form their attempts to communicate their worries take. "Listened to and heard" means just that; on no account should suggestions be made to children as to alternative explanations for their worries. There should be no presumptions, regardless of a child's school or home background, that the immediate allegations are unfounded or malicious.
- 4.2 (a) The member of staff should reassure the child that the matter will be handled with sensitivity.
- (b) Staff cannot promise total confidentiality to pupils who make or disclose allegations against another member of staff.
- (c) Staff should make it clear that they are bound to pass on what they were told to the designated teacher and the Headteacher (unless the allegation is made against either of them).
- (d) Staff should be aware of the importance of child protection and understand their responsibility to discuss allegations with the Headteacher. They must follow the procedures in this document.

5. ACTION TAKEN FOLLOWING AN ALLEGATION ABOUT A MEMBER OF STAFF MADE BY A CHILD

5.1 Staff receiving an allegation of abuse about another member of staff should report the matter immediately to the Headteacher, unless the Headteacher is the person against whom the allegation is made. When allegations are made about the Headteacher the matter must be reported to either the of the following:-

Senior Area Personnel Officer
OR
LEA Child Protection (CP) Officer
AND
Chair of Governors

5.2 The member of staff to whom the allegation has been made must make a written, signed and dated account of the allegations as soon as possible (and certainly within 24 hours).

5.3 Immediately an allegation is made the Headteacher/Deputy Headteacher/Chair of Governors, as appropriate, should:

- (a) seek advice from/consult the Senior Area Personnel Officer/LEA CP Officer and, as necessary, Diocesan/Church Authority Officer (details of contacts are listed in Annex 4).
- (b) countersign and date the written account of the person reporting the allegation (see 5.2).
- (c) Obtain, as necessary, further details of the allegation in writing, signed and dated by the person who receives the allegation (not the child who is the subject of the allegation).
- (d) Record any information about times, dates, locations and names of potential witnesses.

6. URGENT INITIAL CONSIDERATION BY THE HEADTEACHER OF AN ALLEGATION

6.1 Where an allegation is made against a member of staff, there should be an urgent initial consideration by the Headteacher, of the substance of the allegation. Where the allegation is against the Headteacher, urgent initial consideration should be given by the Chair of Governors as appropriate, ***in consultation*** with the Senior Area Personnel Officer and or the LEA Child Protection Officer.

- 6.2 If the allegation suggests that a child has suffered or is likely to suffer significant harm, or where it is possible that a criminal act has been committed, there must be an immediate referral to Social Service in accordance with LACPC procedures. If there is any doubt of these matters, then guidance/clarification must be sought from the LEA Child Protection Officer.
- 6.3 There will however be instances where allegations made do not require referral under local child protection procedures detailed above. Those instances are as follows:
- (i) Where the allegation relates to the use of reasonable force to restrain a pupil, 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 head teacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force would however need to be dealt with in accordance with the local child protection procedures as detailed above.
 - (ii) Where following initial consideration it is absolutely clear to the LEA lead officer and the head teacher (or where the allegation involved the head teacher, the nominated governor) 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 again 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 require further exploration. The best way for this to be achieved is through an inter-agency referral in order that any underlying causes can be teased out.
 - (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under local disciplinary procedures (see paragraphs 9.1 and 9.2).
- 6.4 Therefore, when any allegations are made, there are four possible outcomes which may arise from the initial discussion between the LEA and the Headteacher:
- (i) Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under local child protection procedures established by the ACPC.

- (ii) Where the child has alleged that a criminal offence has been committed, then again this will be referred under local child protection procedures and the police may carry out a criminal investigation. However, this is subject to paragraphs 6.3(i) and (ii) above where the matter can be dealt with at school level.
- (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff (which does not fall within the above categories) that needs to be considered under local disciplinary procedures (see paragraphs 9.1 and 9.2).
- (iv) The allegation is apparently without foundation

7. ALLEGATIONS WHICH CALL FOR *IMMEDIATE* REFERRAL TO CHILD PROTECTION AGENCIES

7.1 The priority must be to determine whether a child or children are at risk of significant harm and are in need of protection. If this appears to be the case there should be an immediate referral by the Headteacher to Social Services in accordance with the Lancashire Area Child Protection Procedures. Where the Headteacher is the subject of the allegation, the LEA will undertake this in liaison with the Chair of Governors of the school.

7.2 Subsequent action will be in accordance with the Lancashire Area Child Protection Procedures. Early action to establish the nature of the allegation and consideration of whether it should be investigated should be undertaken in such a way that it does not prejudice any such subsequent action. There must be no interference with evidence. Any investigation is a matter for Social Services or the Police.

8. ALLEGATIONS WHICH *MAY* REQUIRE URGENT REFERRAL TO CHILD PROTECTION AGENCIES

8.1 It is important for the Headteacher to act quickly. It is also important to recognise that establishing whether an allegation warrants further investigation is not to form a view on whether the allegation is to be believed. At this stage a Headteacher should not investigate the allegation itself, or interview pupils, but should consider, in consultation with the Senior Area Personnel Officer/LEA CP Officer and, as necessary, the Diocesan/Church Authority Officer, whether the allegation requires further investigation and, if so, by whom. Only if the allegation was trivial or demonstrably false, would a further investigation **not** be warranted.

8.2 Where the Headteacher, in consultation with the Senior Area Personnel Officer/LEA CP Officer, believes that the allegation warrants investigation:

- (i) there should be a consideration as to whether an immediate consultation with Social Services is required
- (ii) where it is believed that the child or children is/are not at risk of significant harm, consideration should be made as to the need for disciplinary action. If that is the case, it would be necessary to investigate at school level and subsequently to consider whether disciplinary action is required under the School's Discipline, Suspension and Dismissal Procedure.

8.3 In the case of an allegation against the Headteacher, the action set out in 8.1 and 8.2 above should be undertaken by the Chair of Governors.

9. ACTION FOLLOWING REFERRAL TO THE POLICE/SOCIAL SERVICES: EXTERNAL INVESTIGATION

- 9.1 When an allegation has been referred under the child protection procedures to the appropriate agency, the investigation will be informed by the guidance in "Working Together". This guidance recommends that there should be a Strategy Meeting to plan the conduct of an investigation under child protection procedures. This will usually involve Social Services, the Police, Health and Education Authority representatives. It is desirable that Headteachers are involved in and contribute to such Strategy Meetings in cases of allegations against members of staff. The Chair of Governors will normally attend strategy meetings where the allegations are against the Headteacher.
- 9.2 An external investigation by the Police or Social Services will take priority over an internal investigation by the school. An internal school investigation should not run alongside a Police or Social Services inquiry but should be held in abeyance pending the completion of the external investigation.

10. POLICE INVOLVEMENT

- 10.1 In some cases the Police might wish to interview the member of staff against whom the allegation is made before any approach is made by the Headteacher. The Police may act independently of the school, particularly where the alleged offence is unconnected with a member of staff's professional life. The school should give every assistance with Police enquiries but confidentiality must be maintained about the enquiries in the interests of the member of staff. Police enquiries may involve other members of staff in the school, for example interviews to gather evidence.

- 10.2 When the Police are involved, it would be expected that police interviews of the member of staff against whom allegations are made would not normally be undertaken on school premises and it would be expected that appointments are normally made for such interviews to occur at reasonable times. Interviews of other staff may take place on school premises. Any member of staff interviewed by the Police is entitled to professional advice/representation.

11. NOTIFICATION OF INTERESTED PERSONS

- 11.1 The Police/Strategy Meeting may decide that the investigation would be hindered by notification to parties at an early stage. The Headteacher, in consultation with the Senior Area Personnel Officer and/or the LEA Child Protection Officer must ensure there is no objection by the Police before contacting any parties. Subject to there being no objection the Headteacher should:
- (a) inform the child, children or parent making the allegation and explain the likely course of action.
 - (b) ensure that the child who is the alleged victim of the abuse and his/her parents are informed of the likely course of action.
 - (c) inform the member of staff against whom the allegations have been made of the likely course of action, advise him/her to contact their Union or professional organisation and provide a copy of these procedures.
 - (d) inform the Chair of Governors.
 - (e) inform other staff and parents.
- 11.2 The Headteacher should make a written record of his/her actions.
- 11.3 When the Police object to the Headteacher acting in accordance with 11.1 (a)-(e) above, the Headteacher should be informed accordingly and arrangements made by the Authority to keep him/her informed of progress.
- 11.4 In the case of an allegation against the Headteacher, the action in 11.1 to 11.3 will be undertaken by the Chair of Governors

12. ALLEGATIONS BELIEVED TO BE WITHOUT FOUNDATION

- 12.1 **Where, following the initial consideration, it is believed that the allegation made against the member of staff is without foundation he/she should, in consultation with the Senior Area Personnel Officer, and as necessary, the LEA Child Protection Officer and Diocesan/Church Authority Officer:**
- (a) consider whether the child might have been abused by someone else and whether a referral should be made under child protection procedures.

- (b) inform the member of staff of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff should be informed that he/she may be accompanied by a Teacher Association/Trade Union representative or friend at any meeting convened under the procedures.
- (c) consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take. Sources of counselling could include Education Personnel, the Education Psychology Service, the County Council's Welfare Section, Teacher Associations and Trade Unions (details of contacts are listed in Annex 4).
- (d) consider whether to inform the parents of the child or children of the allegation and the outcome.
- (e) consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents. In particular, this should take into account the needs of a child/children where a false or malicious allegation has been made. Social Services could be asked to advise on the availability of this. Consideration may need to be given to the organisation of teaching arrangements for the child/children. It should be recognised, however, that there may be particularly sensitive circumstances where it may not be in the child's best interests to remain at the school.
- (f) prepare a written record setting out the sequence of events, actions taken, and the reasons for the conclusion that the allegation is without foundation. (See Section 16 - Records).

12.2 In the case of an allegation against the Headteacher, the action should be undertaken by the Chair of Governors, in consultation with the Senior Area Personnel Officer.

13. CONSIDERATION OF SUSPENSION

13.1 The Headteacher should consider, in consultation with the Senior Area Personnel Officer and, as necessary, the Diocesan/Church Authority Officer, whether suspension is necessary. Suspension should not be undertaken without good reason. Circumstances in which suspension properly occurs include:

- (a) where a child or children are at risk.
- (b) where the allegations are so serious that dismissal for gross misconduct is possible.

- (c) where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Where there may be a risk to the member of staff him/herself it may not be in his/her interests to remain in the school.

- 13.2 In all cases where suspension is being considered, the member of staff should be advised to seek assistance from his or her Teacher Association/Trade Union.
- 13.3 Guidelines on suspension are set out in Annex 2. In the case of allegations against a Headteacher, the Chair of Governors would consider suspension in conjunction with the Senior Area Personnel Officer and, as necessary, the Diocesan/Church Authority Officer.
- 13.4 Arrangements to support a member of staff who is the subject of allegations or who is suspended are set out in Annex 3.

14. INTERNAL SCHOOL INVESTIGATION

- 14.1 Any internal school process of investigation must be clearly separated from the external child protection investigations. The child protection process has different objectives from any internal school investigation or disciplinary procedure and the two should not be confused. However, in some circumstances the child protection agencies might, as a result of the Strategy meeting (see section 10), decide to make a recommendation about:
- suspension;
 - other protective action;
 - the welfare of the child;
 - the welfare of the member of staff.

Any subsequent disciplinary process may be informed by child protection investigations.

- 14.2 Annex 1 gives guidance on investigative procedures appropriate for an internal investigation being undertaken at school level after a decision not to refer an allegation under local child protection procedures, or a decision by the Police or Social Services not to proceed. If further evidence comes to light during the course of these investigations, then a referral to the Police/Social Services should be considered.
- 14.3 Subsequent to an internal investigation, any disciplinary action should be carried out in accordance with the School's Discipline, Suspension and Dismissal Procedure.

15. OUTCOME OF INVESTIGATION

- 15.1 At the end of the investigation, a meeting should be arranged to inform the member of staff of the outcome and any further action to be taken. The member of staff should be informed that he/she may be accompanied by a representative of his/her Teacher Association/Trade Union or friend.
- 15.2 If the outcome results in a disciplinary charge, further action will be in accordance with the School's Discipline, Suspension and Dismissal Procedure, and will take place following the child protection investigations.
- 15.3 Where it is decided not to proceed with any form of disciplinary action, a suspension should be lifted immediately by the Governing Body or other appropriate body. The Headteacher should meet the member of staff, accompanied by his/her representative or friend, to discuss his/her return to work.

In the case of the Headteacher, this will be undertaken by the Chair of Governors and the Senior Area Personnel Officer.

- 15.4 The opportunity should be provided for informal counselling, other than in the event of dismissal. This could be used to give appropriate guidance, support and reassurance and to help rebuild, where necessary, the member of staff's confidence. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the Senior Area Personnel Officer and, as necessary, the Diocesan/Church Authority Officer.
- 15.5 On the conclusion of any investigation and any related disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome of the proceedings. This should be prior to the return of the member of staff to school if he or she has been suspended. In some circumstances, consideration should be given to the broader disclosure of details of the outcome. This consideration should give reasons, for example where the issues:
- are of general importance;
 - have become common knowledge;
 - have been the subject of general gossip;
 - there is a need to provide accurate details for public information.

The Authority's Public Relations Department may be able to offer appropriate advice.

- 15.6 Appropriate counselling and support should be offered to the child or children who made the allegations and, where appropriate, their parents, by the time the member of staff returns to school. In particular, this should take into account the needs of a child/children where a false or malicious allegation has been made. Consideration may need to be given to the organisation of teaching arrangements for the child/children. It should be recognised, however, that there may be particularly sensitive circumstances where it may not be in the child's best interests to remain at the school.

16. RECORDS

- 16.1 Schools need a system for retaining records and information about child protection matters. The system must be sensitive to the best interests of children and staff. It must be maintained securely, with access limited only to the designated person and the Headteacher.

The Senior Area Personnel Officer will also retain secure records of cases in which he/she has been involved.

- 16.2 Documents relating to an investigation must be retained, 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.
- 16.3 If the member of staff is dismissed, or resigns before a disciplinary process is completed, he/she will be informed about the employer's statutory duty to report the case to the Department for Education and Skills under the Teachers' Misconduct Regulations.
- 16.4 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 process. If there are criminal or civil proceedings, records may be subject to disclosure and, therefore, no assurances can be given of confidentiality.

17. CONCLUSION

The school, in conjunction with the Authority, may find it helpful to consider at the conclusion of the process whether there are any general matters arising from it which should warrant a review of practices or procedures or training of staff. Any such review should always preserve confidentiality about the member of staff and children involved.

ENQUIRIES AND INVESTIGATIONS

1. There are three possible types of investigation:
 - a) Enquiries by social services under child protection procedures
 - b) Related police investigations into possible criminal offences
 - c) The school's disciplinary procedures
2. Any disciplinary process should be clearly separated from child protection enquiries and criminal investigations. Whilst the disciplinary process may be informed by child protection enquiries and criminal investigations, and in some circumstances the child protection agencies might decide to make a recommendation about suspension or other protective action as a result of the strategy discussion (see section 10, below), the child protection and criminal processes have different objectives from the disciplinary procedure and they should not be confused. Decisions as to suspensions and/or disciplinary action are for the head teacher/governing body (see section 15.2 about cases where consulting with police is advised prior to suspension)
3. Any investigation by the police or child protection agencies will take priority over an internal disciplinary investigation by the school. An internal investigation related to the same or similar allegations running alongside a criminal investigation or child protection enquiry is not likely to be good practice and should be held in abeyance pending the completion of the external enquiries and investigation. In any event, the decision as to whether to initiate an internal investigation will be more fully informed by information about the outcome of the child protection enquiries and any criminal investigation.
4. This appendix gives guidance on investigative procedures appropriate for an internal investigation being undertaken at school level after a decision not to refer an allegation under local child protection procedures, or a decision by the child protection agencies that they will not carry out child protection enquiries. Guidance on investigative procedures may already exist as an integral part of schools' disciplinary procedures but the Appendix is intended to inform the review, or the establishment, of appropriate investigative procedures, where no agreed procedures are in operation. If further information comes to light during the course of these investigations, then a further referral to the child protection agencies may again need to be considered.
5. The general principles within this procedure can be used for any investigation.
6. Investigations should be completed within 15 days wherever possible.

INVESTIGATIVE PROCEDURES AFTER CHILD PROTECTION AND CRIMINAL OFFENCE QUESTIONS HAVE BEEN RESOLVED

1. An investigation is a fact-finding exercise with **the aim** of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove an allegation.
2. Whilst the investigation itself is confidential, the information collected will not be. Undertakings of confidentiality should not be given to either a person making an allegation or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
3. Children or their parents making allegations will need to be interviewed as part of the investigation to record their allegations in the form of signed and dated statements. If the matter becomes the subject of a police investigation, they may be passed to the Police (authors of the statements should be informed before this happens). If the matter is referred to the Police or Social Services the internal investigation must not proceed.

4. PRELIMINARY STAGES

- 4.1 The person undertaking the investigation should seek specialist advice as necessary from the Senior Area Personnel Officer/Diocesan Officer, and should familiarise him/herself with any relevant procedures and guidelines.
- 4.2 The person investigating should:
 - define areas to be investigated;
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation;
 - check corroborative evidence.

5. THE INVESTIGATION PROCESS

- 5.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a friend or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

5.2 If, at any stage during the investigation, new evidence emerges which make a referral necessary to Social Services, or to the Police, the investigation should be held in abeyance immediately following such a referral. Consideration should also be given as to whether suspension is appropriate in such circumstances.

6. INTERVIEWING THE MEMBER OF STAFF WHO IS THE SUBJECT OF AN ALLEGATION

6.1 The point at which this occurs will depend upon the nature of the allegation and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.

6.2 The member of staff should be informed of his/her right to take advice and be represented by a friend or representative.

6.3 The member of staff should be invited to respond to the allegation and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.

6.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.

6.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

7. COMPILING A REPORT

7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report which should be forwarded to the LEA Child Protection Officer.

7.2 Consideration should again be given as to whether there are serious matters which should be referred to Social Services or to the Police. If there is such a referral, further proceedings at school level should be held in abeyance immediately.

8. SUBSEQUENT ACTION

A decision will need to be taken at this stage on whether further action should be taken, including the possible referral of the report under the School's Disciplinary Procedures.

SUSPENSION

1. INTRODUCTION

In all cases where a member of staff is to be suspended under the School or the Authority's Discipline, Suspension and Dismissal Procedure, the following process will be followed:

2. REASONS FOR SUSPENSION

Circumstances in which suspension properly occurs include:

- (a) Where the allegation is so serious that dismissal for gross misconduct is possible.
- (b) Where an allegation of misconduct has been made against a member of staff and a suspension is necessary to allow the investigation to proceed unimpeded.
- (c) Where a member of staff is the subject of an allegation of misconduct, the nature of which could involve potential risks to children, or other employees or the member of staff him/herself.
- (d) On medical grounds where there may be a recommendation to the Governing Body for the dismissal of the member of staff.
- (e) On completion of formal competence procedures which may result in a recommendation to the Governing Body for the dismissal of the member of staff.
- (f) Where other exceptional circumstances arise.

Suspension should not be entered into lightly and it is not a disciplinary sanction. To suspend automatically following any allegation could be unnecessary and damaging to staff and the school. The Headteacher must take advice from the Authority through the Senior Area Personnel Officer and from the Diocesan/Church Authority Officer in the case of Church aided schools. He/she can then consider the weight and balance of the circumstances and evidence available.

In circumstances where suspension is considered, the decision should be clearly documented and the Authority and Chair of Governors informed accordingly.

Other alternatives to suspension could include leave of absence with pay or absence on medical advice.

3. PRIOR TO SUSPENSION

- (a) Any decision to suspend can only be made by the Headteacher who should, in all circumstances, act in consultation with the Authority and the Diocese, in the case of Church Aided schools. The Chair of the Governors must be informed.
- (b) In all cases where suspension is being considered, the Headteacher should advise the member of staff to seek assistance from his/her Trade Union/Association. The Headteacher is also advised to seek advice from his/her Association.
- (c) In circumstances where immediate advice cannot be obtained from the Authority and the Diocese, as appropriate, (eg. at the weekend) a reasonable course of action, as an interim measure, would be to send the member of staff home or to ask him/her to remain at home. Although, legally, this may be regarded as suspension, at this stage the proper process of suspension will not have been undertaken and the action is easily reversed, should the Headteacher, subsequently, decide to take alternative action. If the decision is subsequently to suspend, then the normal process should be carried out immediately.

4. MEETING TO CONSIDER SUSPENSION

- (a) Where suspension is under consideration, a meeting should be arranged with the member of staff. For teachers this would normally be outside pupil contact time. The process must be handled sensitively. The member of staff has the right to be represented at the meeting by a friend or Trade Union/ professional association representative.
- (b) In exceptional circumstances, where it may be necessary to suspend immediately, every effort should be made for representation but it may not be possible to have an opportunity to be represented. In such circumstances the member of staff must be advised by the Headteacher to consult a Trade Union/professional association representative as soon as possible following the meeting.
- (c) Before the meeting, the member of staff should be offered the opportunity of a brief consultation with his/her representative.
- (d) At the outset of the meeting the member of staff should be informed that a serious complaint or allegation has been made and that, at the conclusion of the meeting, suspension might occur. It should be made clear, however, that the meeting is not a formal disciplinary hearing but is for the purpose of putting forward a serious matter which may lead to suspension and further investigation.
- (e) The member of staff should be given as much information, including reasons for any proposed suspension, as is appropriate in the circumstances.

- (f) In the case of an allegation involving an external agency (eg Child Protection, Police, Audit) this should be consistent with not interfering with an investigation about the allegation. The Authority will advise on this in liaison with the external agencies. The member of staff should be informed that the agencies will undertake their own investigation and interview procedures.
- (g) The member of staff should be given an opportunity to make representations concerning the suspension. A brief adjournment should be offered prior to response. However, in view of the need for a subsequent investigation there will be no discussion of the detail of the case to avoid prejudicing the outcome of the investigation or the position of the member of staff.
- (h) The member of staff should be informed that he/she will be given a subsequent opportunity to put forward his/her side of the case at a separate meeting should the matter proceed into the School's Discipline, Suspension and Dismissal Procedure.
- (i) If, as a result of the meeting, the Headteacher considers that suspension is necessary along with a full investigation of the allegations, the member of staff should be advised that he/she is suspended from duty on full pay. The member of staff should be assured that he/she remains an employee of the Authority and the school.
- (j) If the Headteacher considers that suspension is unnecessary or decides to take an alternative course of action (eg leave of absence), no action will be taken to suspend, but other action may subsequently follow.

5. AT THE CONCLUSION OF THE MEETING

- (a) The member of staff should be advised of the following:
 - (i) the need to seek advice from a professional association/trade union if not accompanied;
 - (ii) arrangements for support and contact from within the school and a Contact Officer from the Authority, normally the Senior Area Personnel Officer, who can offer help and guidance during the disciplinary process. (*See Annex 3 - Support for staff during a period of suspension*);

NOTE: where there is a need to suspend on a Friday or immediately before a holiday period, special consideration should be given to the support arrangements.

- (iii) he/she will be required to be available for contact by management during the period of suspension;
 - (iv) in order not to prejudice the objectivity of the investigation, he/she is not permitted to attend the workplace or make professional contact with, or discuss the case with colleagues or other staff without permission (*see also Annex 3 - Section 3*);
 - (v) what his/her colleagues and the wider school community will be told concerning the reason for his/her absence and about the nature of any contact. 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.
- (b) The member of staff should be informed that his/her suspension will be confirmed in writing, that the period of suspension will be kept under review on a monthly basis and that he/she will be informed by the Authority Contact Officer of progress relating to the investigation. Wherever possible the member of staff should be given an outline of the steps to be taken to investigate the matter and the timescales involved.
- (c) The member of staff should be asked to return any school/pupil books or keys, as appropriate, and, under supervision, collect any personal belongings which he/she might need during the period of suspension.

6. REVIEW OF SUSPENSION

All suspensions must be kept under review on a monthly basis. 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. Any internal school investigation following an external investigation should commence no later than 20 working days following the conclusion of the external case.

7. ACTION AFTER A DECISION TO SUSPEND

- (a) The Headteacher should inform the Chair of Governors and the Authority and the Diocese, as appropriate, formally, in writing. The Headteacher should report to the Governing Body that a member of staff has been suspended pending investigation. It is advisable to provide no more than the minimum information necessary to the Governing Body, as more than this would prejudice governors' impartiality in any subsequent hearing or appeal in disciplinary proceedings.
- (b) All staff in the school should be informed of the fact of the suspension and the conditions applicable.

- (c) The Headteacher should consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. The Headteacher, Governors and other staff should not speak to the media about the suspension or the allegations, without first seeking advice from the Senior Area Personnel Officer and the Public Relations Department on this matter as necessary.
- (d) The following paragraphs 7(e), (f), and (g) are applicable in child protection cases and guidance should be sought from the Senior Area Personnel Officer and the Diocesan Officer, as appropriate.
- (e) The Headteacher should consider the extent to which it is necessary to make a statement to parents of children in the school, having considered the need to avoid unwelcome publicity.
- (f) Where a pupil or parent has made an allegation, they should be informed of the suspension, in confidence. Where the pupil is under 18, his or her parents should normally be informed (in the case of allegations relating to Child Protection Procedures this should be agreed with the relevant Agencies).
- (g) In certain circumstances, it may be necessary for the Headteacher to provide immediate reassurance to parents and children in the school and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues.

8. APPLICATION OF THE ABOVE TO HEADTEACHERS

- 8.1 In cases where Headteachers are the subject of allegations and are suspended, the same principles embodied in Sections 2 to 7 of these procedures will apply. Suspension shall be effected in accordance with the Articles of Government of the School by the Governing Body, acting on Authority and Diocesan advice, as appropriate. In accordance with the Education School (Government) Regulations in cases of urgency, the Chair of Governors, or if he/she cannot be contacted the Vice-Chair, shall have the power to suspend the Headteacher, subject to the subsequent confirmation by the Governing Body.
- 8.2 The implications for the continued management of the school need to be considered at this stage by the Government Body including the arrangements for an Acting Headteacher.
- 8.3 The Director must be informed of the suspension in writing, giving reasons, within one working day.

SUPPORT FOR STAFF DURING A PERIOD OF SUSPENSION

1. INTRODUCTION

The support described in this Annex is applicable to staff during a period of suspension or during a period of leave of absence/medical absence when these are alternatives to suspension.

It is recognised that there is a need for management, both at the school and Authority level, to provide some means of support to staff who are the subject of allegations of misconduct at work, or who have been suspended for alleged misconduct under the School Disciplinary Procedure. In such circumstances the member of staff involved may experience feelings of worry and depression; they may also feel isolated from their workplace and colleagues.

It is important that staff are made aware of what is happening in relation to the disciplinary investigation, as lack of information may also lead to further stress and ill health. In addition, it must be understood that the allegations may have placed the member of staff in a difficult situation in relation to his/her family.

2. AUTHORITY CONTACT OFFICER

- (a) The Senior Area Personnel Officer will act as the Authority Contact Officer. The main role of the contact officer is to provide information to the member of staff as to the progress of the investigation.
- (b) Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, the contact officer will make arrangements for the member of staff, or his or her Association/Trade Union representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude the member of staff, or his or her representative contacting those conducting the investigation at any time.
- (c) The contact officer will also make arrangements for the school to maintain contact and communication with the suspended member of staff (See Section 3).
- (d) In some cases, it may be appropriate to ask the member of staff whether welfare counselling or the support of the local authority's medical adviser would be helpful, or to respond to a request for such further support. The contact officer will supply the relevant telephone numbers and arrange for access to such services at the request of the member of staff or his/her Association/Trade Union representative. (See Annex 4 for contact telephone numbers.)

3. MAINTAINING LINKS WITH THE SCHOOL

With the agreement of the member of staff, the school will nominate a person to act as a link providing him/her with information about developments at the school in general, if he/she so wishes. Social contact with colleagues and friends at the school should not be precluded except where likely to be prejudicial to the gathering and presentation of evidence.

4. ROLE OF ASSOCIATION/TRADE UNION REPRESENTATIVE

The Association/Trade Union representative will normally act as a liaison between the Authority's contact officer and the member of staff and, as necessary, between the school and the member of staff.

Associations/Trade Unions usually have access to their own or other independent welfare counselling services, and the representative can arrange for access to such services at the request of the member of staff.

5. CHURCH LINKS

Staff in aided or controlled Church schools should have access to pastoral support through their Governing Body or parish.

LIST OF LEA CONTACTS AND TELEPHONE NUMBERS

LEA CHILD PROTECTION SERVICE (County Hall)

Alan Hazell	LEA Child Protection Co-ordinator	01772 531613
Phil Threlfall	LEA Child Protection Officer	01772 532634
Josie Aspinall	LEA Child Protection Officer	01772 531196
Christine Bury	Child Protection Administrator	01772 532723
Linda Richardson	DfES Regional Adviser (CP)	01772 531754

SENIOR AREA PERSONNEL TEAM (County Hall)

Dave Hewitt	Team Manager	01772 531758
Steve Lewis	Lancaster, Fylde, Wyre	01772 531776
Brenda Allen	Preston, Hynd, Ribble Valley & CMS	01772 531645
Anne Sutton	Pendle, Burnley, Rossendale	01772 534928
Vic Welch	South Ribble, Chorley, West Lancs	01772 531814

EDUCATION WELFARE SERVICE TEAM MANAGERS

Kate Gaskell	Lancaster	01524 585855
Nweeda Khan	Poulton	01253 887738
Greg Vickers	Chorley	01257 517234
Michael Fenton	Preston	01772 531798
Annie Blaney-Green	Ormskirk	01695 585752
Julie Lloyd	Accrington	01254 220726
Michael Sunderland	Pendle	01282 612043
Lillian Hunt	Burnley	01282 831033

GOVERNOR SERVICES

Joy Bellis	Team Leader Governor Services	01772 531637
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LEGAL SERVICES (County Hall)

David Croall		01772 533321
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COUNSELLING/ADVICE

Employee Welfare and Counselling Service		01772 533863
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