



St Oswald's CE Primary School

A model Allegations of Abuse Against Staff Policy for City of York Schools

(Last Verified by CYC March 2010)

Last Review Date: October 2012

Next Review Date: October 2014

Suggested Frequency of Review : every 2 years



SECTION 17 – GUIDELINES ON STAFF FACING ALLEGATIONS OF ABUSE

Status of Policy

- This policy was reviewed and updated in January 2008.
- It replaces the previous Guidelines on Staff Facing an Allegation of Abuse which was dated December 2003.
- Changes cannot be made to this document without the approval of the Senior Business Partner for Learning, Culture and Children’s Services
- This policy should be read in conjunction with the Local Authority Safeguarding procedures

If you have any queries about the application of this policy / procedure, please contact your designated HR Advisor.

Scope

This policy applies to teaching and support staff in schools.

- The policy complies with the statutory guidance document, ‘Working Together 2006’.
- Headteachers and Governors should seek advice from Human Resources and the Local Authority Designated Officer as appropriate.

Date policy Agreed	Date
Human Resources	Revised January 2008
Teachers Panel	Revised January 2008
Finance	Revised January 2008
Legal Services	Revised January 2008

National and local conditions
(CONTACT – Lisa Thompson, HR Advisor)

Contents

- 1.0 Staff Facing Allegations Of Abuse Procedural Flowchart
- 2.0 Introduction
- 3.0 Principles
- 4.0 Roles And Responsibilities
- 5.0 Procedure
- 6.0 Record Keeping
- 7.0 Postscript

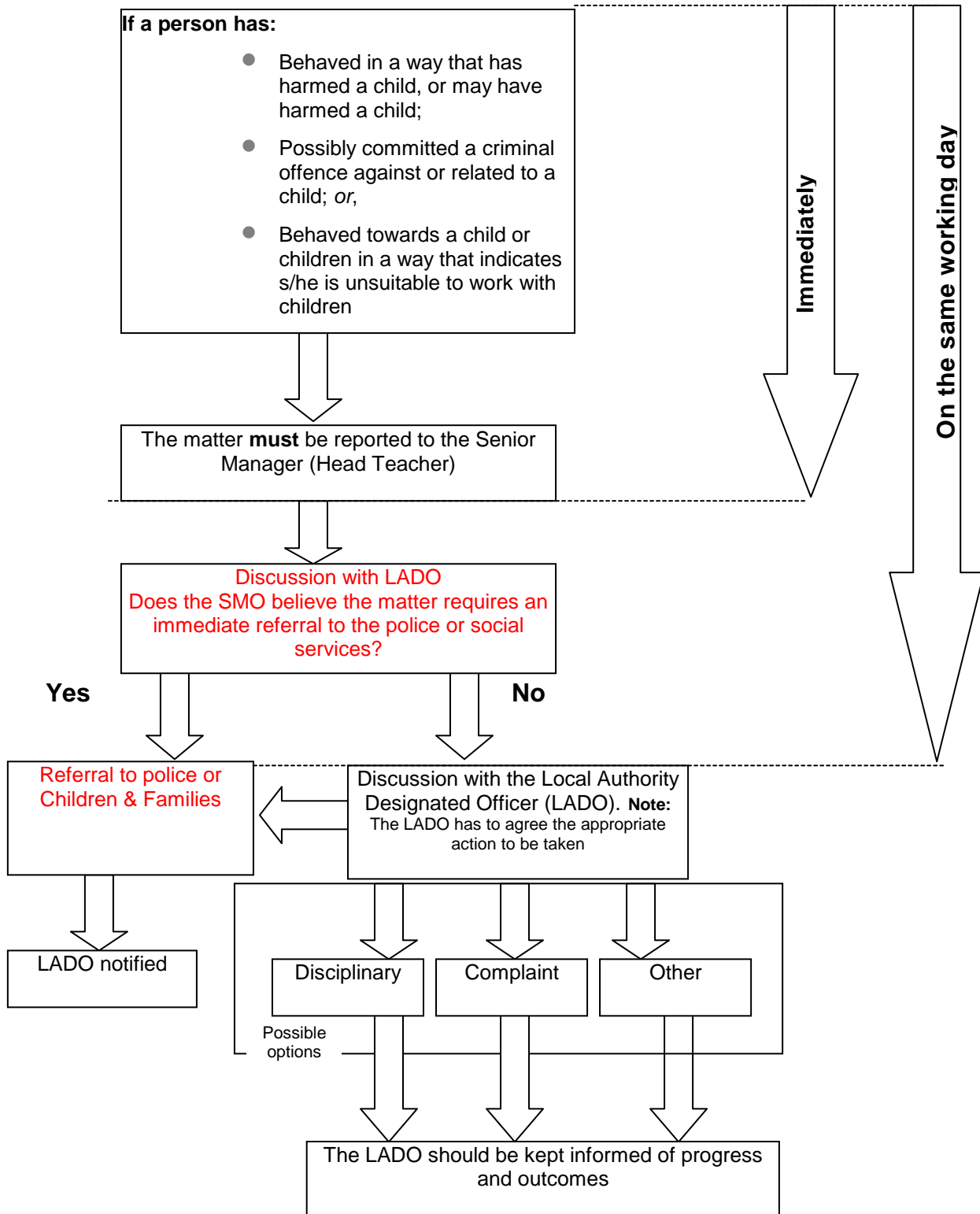
Appendices

- Appendix 1 Key Contacts

Adults, Children and Education and Child Protection:

Guidelines on Staff Facing Allegations of Abuse

1.0 Staff Facing Allegations Of Abuse Procedural Flowchart



2.0 Introduction

These guidelines that have been revised in accordance with the City of York Safeguarding Children Board (CYSCB) procedures, which are based on a statutory national guidance document, Working Together 2006. This guidance needs to be followed where there are concerns or allegations of abuse made against a member of staff. They are intended to assist both the School and Local Authority and ensure that best practice takes place should an event occur and are designed to be consistent with principles of natural justice.

It is imperative that these guidelines are taken seriously and followed whenever a concern is raised or an allegation of abuse is made against a member of staff. It is essential that schools alert the Local Authority Designated Officer (LADO), who is the designated lead officer for child protection issues, and who can then determine what action needs to be taken. A flowchart illustrating what action needs to be taken is provided at the beginning of this guidance.

Schools will also wish to pay particular attention to the paragraphs relating to consideration of suspension for the member of staff; contact with the media; and the need to keep the relevant Trade Union/Professional Association informed of proceedings at all times.

The guidelines have been designed to apply to all staff in schools, and other establishments, including both paid and volunteer staff. Appropriate references are made to recognise the distinctive arrangements for Headteachers.

3.0 Principles

3.1 The framework for managing cases set out in these procedures applies to a wider range of allegations than those in which there is reasonable cause to suspect a child is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. These procedures should therefore be used in respect of all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed a child, or may have harmed a child; or
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

3.2 These procedures apply to situations where there are allegations or concerns relating to a person, who works with children either in a paid or unpaid capacity:

- Where the concerns relate to issues arising from their employment

- Concerns of behaviour or conduct towards children.
- Where the concerns relate to issues arising from activities either in a paid or unpaid capacity outside of their normal employment.
- Where the concerns relate to issues arising from a person or family or social life.
- Where the concerns relate to issues arising from previous employment or activities.

3.3 These principles underpin the management of allegations against any education or school employee, including volunteers and contracted personnel:

- The welfare of the child is the paramount consideration and all allegations or concerns should be treated seriously.
- City of York Learning, Culture and Children's Services (LCCS) should have a Named Senior Officer (NSO) to ensure compliance with policies and procedures relating to allegations against staff.
- All schools should have a designated Senior Manager (SMO) who will be informed of all allegations against staff and who will notify the Local Authority Designated Officer (LADO) of all allegations against staff and volunteers. The SMO will usually be the Headteacher, with a nominated Governor where the allegations relates to the Headteacher.
- Those subject to allegations or concerns in respect of children should be informed of those concerns as soon as possible but with due regard to protecting evidence and disclosure information.
- It is not the responsibility of the recipient of the allegation to determine its validity; failure to report an allegation could result in disciplinary action.
- A decision to suspend staff members will rest with the school's Governing Body in discussion with the LADO and City of York LCCS Human Resources section and should be based on the decision of the strategy discussion (where held) that children are at risk, or the investigation would be impeded, or that the alleged behaviour is so serious that the member of staff faces the possibility of dismissal. Suspension in these circumstances should be seen as neutral action.
- A child protection and /or police investigation must take priority over an internal investigation.
- In the interests of the young person making the allegation and to avoid further interviews, wherever possible the Police or Social Services statements/records should be requested to inform an internal enquiry.

3.4 Allegations can be false, malicious, or misplaced. However, experience suggests that such allegations can be prevented and schools are advised to adopt a **code of conduct to avoid such situations arising** and develop policies for dealing with unfounded allegations.

3.5 It is essential that everyone responding to any concern maintain an open mind and act in accordance with City of York Council procedures and policy and the City of York Safeguarding Children Board (CYSCB) procedures when a concern is brought to their attention.

4.0 Roles And Responsibilities

- 4.1 'Working Together 2006' introduces three new roles to ensure allegations against professionals and volunteers are managed effectively:

Local Authority Designated Officer (LADO)

- 4.2 The LADO provides an oversight of individual cases; providing advice and guidance to employers and voluntary organisations; liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

- 4.3 All allegations against childcare professionals and volunteers should be notified to the LADO and it is therefore important that the relevant LADO's contact details are known.

- 4.4 The LADO's responsibilities include:

- Management and overview of individual cases from all partner agencies of the Local Safeguarding Children's Board (LSCB).
- Providing advice, information and guidance to Senior Managers (organisations) (SMOs).
- Monitoring progress of cases to ensure all cases are dealt with within set timescales as set out in 'Working Together to Safeguard Children 2006'.
- Ensuring a consistent and thorough process for all adults working with children and young people against whom allegations are made.
- Liaising with Police and Social Care where further action on their part may be required.
- Responsibility for maintaining information databases in relation to all allegations and producing qualitative and quantitative reports for LSCB's and DCSF.
- Attendance at strategy meetings and liaising with chairs of strategy meetings.
- Contributing to LSCB training and awareness raising.
- Providing assistance to agencies in the discussion of suspension (the power to suspend is vested in the employer alone).
- Liaison with Crown Prosecution Service.
- Discussing with the SMOs about the need for referral to the Protection of Children Act or to the accused persons regulatory body.
- Co-ordinating, collect and maintain appropriate data.

Named Senior Officer (NSO)

- 4.5 The Named Senior Officer has overall responsibility for: ensuring that the City of York Learning, Culture and Children's Services and sub-contracted organisations operates procedures for dealing with allegations in accordance with the guidance in 'Working Together 2006'; resolving any inter agency issues; and liaising with the LSCB on the subject.

4.6 The NSO's responsibilities include:

- Ensuring that the organisation complies with the standards identified and agreed by the LSCB for managing allegations and employing and maintaining a safe workforce.
- Ensuring that LSCB procedures for managing allegations are reflected and implemented within agency procedures.
- Ensuring that the workforce is aware of and uses the procedures in relation to the allegations adults working with or on behalf of children.
- Ensuring that the organisation has in place systems for reviewing cases and identifying and implementing any changes required for improving procedures and practice.
- Resolving any inter-agency issues which affect the implementation of LSCB procedures.
- Ensuring that the identity and key roles of NSO, LADO and Senior Manager (Organisations) are reflected in agency policy and procedures.
- Ensuring effective recording and reporting arrangements are in place.

Senior Manager within the Organisation (SMO)

4.7 The Senior Manager within the Organisation has overall responsibility for ensuring procedures are followed at an operational level. In relation to schools, this person will be the Headteacher with a Nominated Governor for instances where the allegation or concern relates to the Headteacher.

4.8 The SMO's responsibilities include:

- Ensuring that LSCB procedures are properly applied and implemented.
- Providing advice, information and guidance for staff within the organisation.
- Being the senior manager within the organisation to whom all allegations or concerns are reported.
- Clarifying information regarding details of specific allegations.
- Gathering any additional information which may have a bearing on the allegation after an initial discussion has taken place e.g. previous known concerns, care and control incidents etc.
- Liaising with LADO where allegations against staff or volunteers are made.
- Providing the subject of the allegation with information and advising them to inform their union or professional body in accordance with LADO advice.
- Requesting advice from Social Care should the allegation be unfounded as the child/young person may be in need of services themselves or the police may need to be involved if the allegation is deemed to be deliberately malicious or invented.
- Attending strategy meetings where required.
- Liaising with the LADO and Human Resources where employers disciplinary action is required.
- Ensuring that risk assessments are undertaken as and when required.

- Ensuring that effective reporting and recording systems are in place which allow for the tracking of allegations through to the final outcome.
- Undertaking appropriate checks with data the agency may hold.
- Providing reports and information as required by the NSO.
- Raising awareness of the need to empower children and young people who are in vulnerable positions by ensuring their agencies produce good whistle-blowing and complaints procedures for all children.
- Ensuring appropriate and relevant training programmes are in place for staff.
- Ensuring that relevant support programmes are in place for staff, parents and young people.

Nominated Governor

- 4.9 This should normally be the chair of governors or, in the absence of the chair, the vice/deputy chair. This person will be responsible for liaising with the SMO at the school over matters regarding child protection issues to ensure that they are consistent with the City of York Safeguarding Children Board procedures.
- 4.10 In addition, the nominated Governor would have responsibility for the oversight of procedures relating to liaison with relevant officers in the Local Authority and the LADO in relation to any allegations of child abuse made against the Headteacher, including possible involvement in multi-agency strategy discussions. (NB: The nominated governor will have no direct role in undertaking child protection enquiries or criminal or disciplinary investigations or investigation of an allegation against the Headteacher).
- 4.11 He/she will be a liaison person ensuring good communication between all parties and provide information to assist any such enquiries or investigation.

Police Authority Designated Officer (PADO)

- 4.12 The police have designated officers who are Child Abuse Investigation Team (CAIT) Sergeants.
- 4.13 The PADO's responsibilities include:
- Liaising with the LADO.
 - Taking part in strategy and initial evaluation discussions/meetings.
 - Reviewing the progress of cases in which there is a police investigation.
 - Sharing information on completion of an investigation or prosecution.

5.0 Procedure

5.1 Scope and Application of Procedures

- 5.1.1 Any member of staff, who receives an allegation or concern relating to a child made against another member of staff, must immediately inform the

Senior Manager within the Organisation (SMO). Failure to act on information or a concern may result in disciplinary action.

5.1.2 These procedures apply in all cases where an allegation or concern has been made against a school employee, governor, subcontractor or volunteer and where the allegation/concern indicates that a person has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or,
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

5.1.3 Details of the allegation or concern should be recorded (and securely retained) as soon as possible after the event occurred. All subsequent events, discussions, and decisions should be recorded and passed to the SMO.

5.1.4 No attempt should be made to undertake enquiries or seek to determine the validity of the allegation at this stage. However, where a child is considered to be at imminent risk of harm immediate safety measures may need to be applied e.g. removal of the member of staff from the premises and any evidence should be secured and preserved such as a mobile telephone or a computer.

5.1.5 The SMO must immediately refer the allegation or concern to the Local Authority Designated Officer (LADO).

5.1.6 LCCS (NSO) should be notified of all allegations against school employees, volunteers, governors, or sub contractors.

5.1.7 Where the concerns relate to the Headteacher the information should be discussed directly with the LADO or the LCCS NSO.

5.1.8 The responsibility to investigate concerns and allegations against staff rests with Children and Family Services and the police. Enquiries under s.47 Children Act 1989 and criminal enquiries always take precedence over internal and disciplinary investigations.

5.1.9 Under no circumstances should the concern or allegation be discussed or raised with accused person. Where the concern relates to a situation, which is alleged, occurred to child or is within the person's professional duties, limited enquiries may be made by the SMO to establish the validity of the allegation. However, such enquiries should be limited to establishing, where possible, the person or alleged victim's whereabouts when the incident was alleged to have occurred.

5.1.10 The child and their parents or carers should be advised of the intention to refer to the LADO and their views and co-operation sought unless there is reason to believe that doing so may place the child at increased risk of significant harm or impede an investigation.

5.1.11 All allegations and concerns should be referred to the LADO by the SMO within the same working day. Where it is considered that the allegation or concern is serious¹ and requiring an immediate response the matter should be referred to social services or the police in line with local interagency guidance.

5.1.12 The Headteacher / SMO in consultation with the LADO will consider:

- ***Is the allegation demonstrably false i.e. is there clear evidence to suggest that the event(s) did not take place?*** If so, the LADO will advise on appropriate action and consideration should be given to whether the child is in need of services/and or may have been abused by someone else.
- ***Could the child have suffered or be at risk of suffering significant harm?*** If so the LADO will consult with Children and Family Services to agree whether a strategy meeting should be held or if complex abuse procedures should be invoked.
- ***Could a criminal offence have been committed?*** If so the LADO will consult with the PADO to agree (dependent on the outcome above) if an initial evaluation meeting needs to be held.
- ***Could the person have behaved towards a child in a way that indicates they are unsuitable to work with children?*** If so the LADO will advise as to whether the employer should invoke disciplinary, capability, regulatory or complaint procedures either in conjunction with or separate from the above. Where social care enquiries or a police investigation is conducted it is generally inappropriate for an investigation of this nature to be undertaken prior to their completion.
- ***That none of the above apply?*** If so the LADO will advise, what if any, internal action should be taken.

5.2 Enquiries and Investigations

5.2.1 Following the making of a referral to the LADO a Strategy Discussion / Meeting may be held. The SMO will usually be invited to attend in order to share information and inform internal processes. Any decision to suspend a member of staff should be informed by the Strategy Meeting.

5.2.2 If a strategy meeting or initial evaluation meeting is to be convened then the school, prior to the outcome of this meeting, must take no action, unless agreed with the LADO and investigating agencies in order to provide information for the meeting or to safeguard children.

5.2.3 Investigations into allegations against members of staff should adopt the approach recommended by Working Together to Safeguard Children (2006), where child protection enquiries, a police investigation, and

¹ An allegation or concern should be regarded as serious where:

- It is believed a child has suffered significant harm *or*
- Is likely to suffer significant harm *or*
- Any delay would compound the risk to the child *or*
- Where a delay may act to impede an investigation.

disciplinary processes are considered as related though independent strands. The fact that a prosecution is not possible does not mean that disciplinary action is not necessary or feasible. Evidence of an employees conduct should be considered using the test that an event was happened 'on the balance of probability'.

5.2.4 There are three possible types of investigation:

- Enquiries by children's services under local child protection procedures.
- Related police investigations into possible criminal offences.
- The school's disciplinary procedures.

5.2.5 Any disciplinary process should be clearly separated from child protection enquiries and criminal investigations. Decisions as to suspensions and/or disciplinary action are for the Headteacher/governing body.

5.2.6 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 usually unlikely to be good practice and should normally be held in abeyance pending the completion of the external enquiries and investigation.

5.3 Action Subsequent to Referral to Child Protection Agencies

5.3.1 When an allegation has been referred through the CYSCB procedures, a strategy meeting will take place to plan the conduct of enquiries under child protection procedures. It will be attended by appropriate Local Authority representative(s), the LADO, and, other than in exceptional circumstances, the SMO or nominated governor (where the allegation is against the Headteacher).

5.3.2 The SMO/nominated governor/LADO should balance the welfare of the accused member of staff, and the interests of the investigation taking account of the need to minimise the stress to anyone who may be wrongly accused. Staff who are the subject of allegations should be advised by the Headteacher at the earliest opportunity to contact their trade union, subject to the advice of the LADO/strategy meeting.

5.4 Police Investigation

5.4.1 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 SMO (or nominated governor in cases where allegations involve the Headteacher). Police officers should be given every assistance with their enquiries but confidentiality about the enquiries should be maintained in the individual's interests.

5.4.2 When the police are involved, it would not normally be expected that police interviews would be undertaken on school premises and it would be

expected that appointments are normally made for such interviews to occur at reasonable times with suitable legal representation.

5.5 Action Further to Police Investigation/Social Care Enquiries

5.5.1 Where, following police investigations and/or Children and Family Services enquiries, it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the strategy/initial evaluation meeting should prepare a separate report of the enquiry and forward this to the SMO to enable consideration of what further action, if any, should be taken. The report should include, where appropriate, information as to why no further criminal action is to be taken.

5.5.2 If an allegation is demonstrably false, consideration should be given to whether the child is in need of services/and or may have been abused by someone else.

5.5.3 Allegations may be unsubstantiated from a criminal perspective either because they do not reach the threshold for a criminal prosecution or a person has not been convicted on the burden of proof '*beyond reasonable doubt*'. However, there may be sufficient evidence for the case to be considered under internal procedures where the burden of proof is '*balance of probabilities*'.

5.6 Notification of Interested Persons

5.6.1 The Police or the strategy meeting may decide that approaching persons at an early stage would hinder the investigation. The SMO in consultation with the LADO must consider the impact on an investigation before informing others. Subject to there being no objection, the SMO (or nominated governor in cases involving allegations against the Headteacher) should:

- Inform the child, children or parent making the allegation and explain the likely course of action.
- Ensure the parents of the child who is the alleged victim have been informed of the fact of the allegation and of the likely course of action.
- Inform the member of staff against whom the allegation is made and explain the likely course of action.
- Inform the chair of governors/nominated governor of the school.

5.6.2 Where the police object to the action, arrangements should be made to keep all parties informed as to when these notifications may take place.

5.7 Suspension

Considering whether suspension is appropriate

5.7.1 A school employee can only be suspended by the Headteacher or governing body (action by the chair of governors in relation to the Headteacher must be notified to the full governing body). However, where the matter is subject to police/social care enquiries, advice should be sought from the strategy

meeting or the LADO. A suspension should only be made following consultation with the NSO/Local Authority. In cases where the nominated governor is not the chair of governors, the chair of governors will need to be involved in any suspension of a Headteacher.

5.7.2 Suspension may be considered at any stage of an investigation. Suspension is a neutral act, not a disciplinary sanction, and will be on full pay.

5.7.3 Suspension should not be automatic and should not be undertaken without good reason. Suspension should always be considered where:

- There is cause to suspect a child is at risk of significant harm;
- The allegation warrants investigation by the police;
- Where the allegation is so serious that dismissal for gross misconduct is possible;
- Where it is necessary to allow the conduct of an investigation to proceed unimpeded.

5.7.4 Alternatives to suspension may be considered, subject to the agreement of the strategy meeting. These may include paid leave or reassignment to alternative duties/locations that remove the person from contact with complainant.

5.7.5 In all cases where suspension is considered, the Headteacher or nominated governor should advise the individual to seek assistance from his or her trade union.

Suspension of a member of staff

5.7.6 Where suspension is being considered an interview will normally be arranged with the member of staff and the member of staff is advised to seek assistance from their trade union. The employee may be accompanied to an interview where suspension is a possible outcome. One of the roles of the union representative will be to promote the member of staff's interests during suspension and raise issues that may be concerning the member of staff. The meeting is not concerned with examination of the evidence but rather an opportunity for the member of staff to make representations concerning possible suspension.

5.7.7 The member of staff should be informed that an allegation has been made against them. However, no details in relation to the nature of the allegation(s) must be given to the individual at this meeting unless agreed by the strategy meeting and/or police.

5.7.8 The member of staff should be advised to seek assistance from his or her union representative if they are not supported at the interview. In cases where a member of staff is not a member of a trade union, they may be supported by a friend/colleague. With the exception of officials of the trade unions recognised by the Local Authority, only City of York Council employees will be allowed to represent or accompany employees.

Solicitors, family members etc will not be allowed to attend meetings, participate in proceedings, or act on behalf of the individual in any way.

- 5.7.9 The Headteacher must confirm the decision to suspend the member of staff in writing following the suspension meeting.

After a decision to suspend pending an investigation

- 5.7.10 Where a member of staff has been suspended, the chair of governors and Director of Learning, Culture and Children's Services should be informed, in writing, of the suspension. Where the Headteacher is suspended the chair of governors should inform the Director of Learning, Culture and Children's Services. In all cases (subject to the views of a strategy meeting) a report should be made to the governing body that a member of staff has been suspended pending investigation. It is inadvisable to provide more than the minimum information necessary to the governing body.

- 5.7.11 The child or parent making the allegation should be confidentially informed of the suspension (subject to the views of a strategy meeting). Where the pupil is under 18, his or her parents should normally be informed, in confidence in so far as to do so is consistent with wider child protection considerations and the wishes of the child.

- 5.7.12 The Headteacher, in consultation with the LADO, should consider the necessity to inform school employees and parents. In reaching a decision as to whether these groups are informed and/or what should be included, consideration should be given to the impact on the child, their family, the person allegations are made against and the reputation of the school.

5.8 Support

Support for the member of staff during the period of suspension

- 5.8.1 The suspended member of staff should be given the name of a Local Authority officer to act as an official support. The role of the official supporter is to provide information about the progress of the investigation.
- 5.8.2 Social contact with colleagues and friends at the school should not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal investigations, or disciplinary processes.
- 5.8.3 Whilst investigations should be conducted as speedily as possible, arrangements should be made for the individual, or his or her representative, to be updated on progress and developments on the case.
- 5.8.4 According to the needs and wishes of the member of staff to be kept informed, a colleague contact should also be in a position to provide information about developments at the school in general.
- 5.8.5 Details of appropriate welfare counselling will be offered to the individual.

Support for others concerned

5.8.6 Support may be required for the child or child making the allegations and their parents. Consideration should be by the strategy meeting as to the form such support should take. Consideration should also be given to what support may be needed for others at the school, both staff and pupils, according to the circumstances.

5.9 Action resulting from disciplinary process

5.9.1 Investigations into allegations against members of staff may result in one of the following possible outcomes:

- Substantiated - The event was found to have occurred on the 'balance of probability' (More likely than not to have occurred).
- Unsubstantiated - The event could not be evidenced to have occurred on the balance of probability.
- Unfounded - Event proven or acknowledged to have occurred but was misunderstood or misinterpreted or the allegation is proven not to be true, but there is no malign intent on the part of the child.
- Malicious - A proven deliberate falsehood or malign intent.

5.9.2 Where it is found that a person did not commit the alleged act or that there are no grounds for concern and they were not culpable, the person should be notified in writing of the decision and no further action should be taken with a copy placed on the persons personnel file.

5.9.3 Where it is found that a person did not commit the alleged act although he/she was culpable for the allegation having been made, the person should be notified in writing of the decision and consideration given to the degree of culpability. Where it is felt that a person's actions were irresponsible or negligent, disciplinary action should be considered. In less serious situations an action plan should be devised to address the issues raised.

5.9.4 Where investigations are inconclusive, consideration should be given to the commissioning of an independent assessment, for the purpose of assessing the risk posed to young people. If it is assessed that a person poses a risk to young people the outcome of the assessment should be presented to a disciplinary hearing.

5.9.5 In all cases where a person has been found to have committed the alleged act, and where the alleged act is deemed sufficiently serious, disciplinary proceedings should be considered.

5.9.6 If malicious considerations should be given to further action under the school behaviour policy.

5.10 Disciplinary Process and Review

5.10.1 The LADO, SMO and others as appropriate must discuss whether action is appropriate in all cases where:

- It is decided that a police investigation or social care enquiry is not necessary; or,
- It is concluded by the Police or Crown Prosecution Service that there is realistic prospect of a prosecution or that a prosecution is not in the public interest.

5.10.2 The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the Police and/or Social Care;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

5.10.3 In the case of Local Authority's Supply Agency staff, agency workers, School Volunteers and contracted staff, the school's disciplinary procedure will not apply. In these circumstances, the LADO and SMO should act jointly with the providing agency, in deciding whether to continue to use the individual's services, or provide future work with children, and if not, whether the matter should be referred to the relevant professional body or barring agency.

5.11 Disciplinary Action

5.11.1 If formal disciplinary action is not required, the school must institute appropriate action within 3 working days. If a disciplinary hearing is required, and further investigation is not required, it must be held within 15 working days.

5.11.2 If further investigation is needed to decide upon disciplinary action, the SMO and LADO should discuss whether the school has appropriate and sufficiently independent means to do so, or whether the school should commission a specialist independent investigation/assessment because of the nature and/or complexity of the case and in order to ensure objectivity.

5.11.3 The aim of an investigation/assessment is to obtain an independent view as to the appropriateness of disciplinary action and/or the individual's suitability to work with children. The investigation/assessment will be subject to a terms of reference which will be shared with the alleged person. Assessments/investigations will usually focus on two questions:

- On the balance of probability, and in the professional judgement of the assessor, did the alleged event(s) occur.
- Does the person pose a risk/is suitable to work with children.

5.11.4 On receipt of the report the school must decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, it must be held within 15 working days.

5.12 Action on conclusion of the case

5.12.1 If an investigation is substantiated and the member of staff is dismissed or the school ceases to use the individual's services, or the member of staff resigns or an individual stops providing services, the SMO should discuss with the LADO whether a referral should be made to the relevant professional body or barring agency.

5.12.2 If, on conclusion of the case, it is decided that the member of staff who had been suspended is to return to work, the SMO should consider how best to facilitate this and what support may assist the member of staff.

5.12.3 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 child's particular needs.

6.0 Record Keeping

6.1 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.

6.2 If the member of staff is dismissed, or resigns before a disciplinary process is completed, he/she should be informed about the employer's statutory duty to report the case to the relevant professional body or barring agency and consideration for their debarring from further employment.

6.3 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 of confidentiality.

7.0 Postscript

7.1 The SMO/nominated governor and/or the Local Authority may find it helpful to consider at the conclusion of the investigation whether there are any general matters arising from it which should be brought to the attention of colleagues within Learning, Culture and Children's Services or the CYSCB as perhaps warranting a review of local policy or procedures. Any training needs of staff might also be considered as part of such a review. The publication of any such information to colleagues within Learning, Culture and Children's Services or the CYSCB should preserve confidentiality for the member of staff and children involved in the investigation.

Appendix 1

KEY CONTACTS

NAME	ROLE	CONTACT DETAILS
Joe Cocker	Local Authority Designated Officer	Tel no: 01904 555695 Mobile no: 07866343641 Email: joe.cocker@york.gov.uk
Eoin Rush	Named Senior Officer	Tel no: 01904 554212 Email: eoin.rush@york.gov.uk