St Paul's CE Primary School

Allegations against staff - Child Protection Policy

Agreed by Governing Body on:	**04/02/2026**
Policy review date:	**February 2027**

Brighton & Hove City Council

Human Resources

Procedure for formal investigation where allegations have been made against a member of staff concerning **child protection** issues (including possible referral to the Disclosure & Barring Service for inclusion on the Children's Barred list)

1. Introduction

The Disclosure & Barring Service is responsible for making decisions on who should be barred from working with children (and vulnerable adults). The duty of employers to refer relevant staff for consideration took effect from 20 January 2009. The Children's Barred List (mirrored by the Vulnerable Adults Barred List) came into operation on 12 October 2009 and it includes those on the Protection of Children Act List (POCAL), previously held by the Department of Health and those people held on List 99; a separate list of people considered to be unsuitable to work with children is held by the DfE.

The council is obliged to inform the DBS when an employee has harmed or placed a child at risk so that a decision about their inclusion on the list may be made.

Pre employment checking via the DBS will identify any potential staff members who are listed on the DBS Children's Barred List.

This guidance sets out what is required of Human Resources, the Safeguarding team, and managers of services/Headteachers in relation to the reporting of child protection allegations against a staff member and employment related matters.

2.0 Scope

2.1 This procedure is for use within Brighton & Hove City Council (including schools) and is integral to the Child Protection Procedures. This will include temporary staff, casual workers, and volunteers.

In some circumstances, schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency. Whilst schools are not the employer of supply teachers, they should ensure allegations are dealt with properly.

Headteachers should discuss with the agency whether it is appropriate to suspend using the supply teacher, whilst they carry out their investigation.

The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required as part of the referral process. Supply teachers, whilst not employed

by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school.

3.0 **Process**

These guidelines relate to allegations that have been made against a member of staff where an allegation of harm towards a child(ren) has been raised.

3.1 When an incident occurs/allegation relating to a school, the Headteacher, or Principal should seek advice from the Local Authority Designated Officer (LADO), or whoever is designated as covering in their absence. If the concern relates to the Headteacher of Principal, the Chair of Governors, or Executive Headteacher should discuss the concern with the LADO. In respect of other employees in a Position of Trust e.g. Social Workers, the Head of Service should do so. The LADO will consider the information and possibly consult colleagues in the Police and/or Children's Social Care to decide if it is a child protection matter. If it is deemed so, Human Resources should be informed and consideration will be given as to whether it is appropriate for the member of staff to be suspended pending initial enquiries taking place. Where the matter is not deemed a formal child protection incident, the line manager should consult with Human Resources about whether there is still a need to undertake an investigation into potential staff conduct/competency issues.

3.2 When the incident is deemed to be a potential child protection matter, a strategy meeting with relevant parties should be organised, as a matter of urgency, in line with child protection procedures. This meeting should include:

- Representative from Sussex Police, Safeguarding Investigation Unit (S.I.U)
- Representative from Childrens Social Care if there is a named child(ren)
- Representative from Human Resources
- Manager of Unit / Headteacher of school/nominated investigating manager

Others may include:

- Child's allocated social worker (if named child involved)
- Professionals directly involved with the child (if a named child)

Other relevant parties may need to be informed on a purely need to know / limited information basis:

- Press Office
- Legal Services
- Assistant Director of Human Resources & Organisational Development
- Executive Director of Families, Children and Learning

The Strategy Meeting will agree what action needs to be taken for the welfare of the child(ren) and what action needs to be taken as a result of the allegation / incident with regard to undertaking a disciplinary investigation. Consideration needs to be given for a referral to the DBS (see guidelines referred to under paragraph 4 below). In some cases, a referral to the professional regulatory

body e.g. Social Work England, or the Teaching Regulation Agency may be required, noting the guidelines laid down by these bodies and the seriousness of the allegations.

The Teaching Regulation Agency, acting on behalf of the Secretary of State, has regard to the personal and professional conduct aspects of the Teachers' Standards document.

3.3 Following the agreed outcome(s) of this meeting the disciplinary investigation will commence as soon as is practically possible. **It is the Investigating Manager's responsibility, with advice from his or her HR contact, to ensure that the timescales for this process are appropriate and timely.** The need to work closely with the Police should be borne in mind, to allow them to advise on the appropriateness of commencing a disciplinary investigation without prejudicing any ongoing criminal investigation, or await the outcome(s) of their investigation, whichever is sooner.

The timing of the suspension and the disciplinary investigation will have been agreed in the strategy meeting but in any event any suspension and disciplinary investigation should only be carried out having discussed the matter with the police so as not to damage or jeopardise any police investigation

3.4 It is important that the member of staff about whom the allegations are made is fully informed of all developments, subject to the agreement of the strategy meeting that this is not prejudicial to the child protection investigation. It is sensible to arrange this information sharing through their named Trade Union representative, as appropriate, especially regarding delays.

- Once Police have concluded their initial enquiries, they should notify the LADO of the action to be taken as a result of this. It is the responsibility of the LADO to inform other relevant parties i.e. Investigating Manager, Human Resources etc. Recommended action could include: The member of staff is arrested and charged.
- Further enquiries are required to establish from the Police's perspective if there is a case to answer.
- The Police's investigation is concluded and they will not be taking any action.

All contact with the individual should be in consultation with the Police/Children's Social Care.

3.5 If, however, there are other allegations that are not of interest to the child protection investigation, these may be investigated separately. It is advisable that this is raised and discussed at the strategy meeting and that agreement is obtained about how we move forward with these separate allegations.

The Investigating Manager should consider obtaining background information when preparing to conduct a disciplinary investigation into this type of allegation i.e.: -

- Practice issues
- Information from the individual's manager
- Case files (if relevant)
- Supervision file
- Relevant internal procedures/guidelines/codes of practice
- If relevant, disclosure from Police of any information gained as part of their investigation.

3.6 If it is found that there is a case to answer, the member of staff would be informed of this and a hearing set up as soon as is practicable, in accordance with the council/school's disciplinary procedure. All relevant documentation should be placed upon the employee's personal file.

3.7 If it is found there is no case to answer, a return to normal work should be planned and managed by their immediate line manager with assistance from Human Resources. This must be handled as sensitively as possible with appropriate support and management time. There may be recommendations from the investigation which, whilst not leading to formal action, may need to be highlighted for improvements in, or setting of, practice standards. These should be detailed to the line manager by the Investigating Manager, for the line manager to initiate. All relevant documentation (see appendix A) should be placed upon the employee's personal file (and retained until retirement age or for 10 years whichever is sooner).

Please note these notes are for guidance only and exact application will vary dependant upon the individual circumstances of each case.

4. Reporting to other relevant bodies

Including:
Disclosure & Barring Service (DBS) – see appendix B and DBS referral guidance and referral form on the Wave or at
www.homeoffice.gov.uk/agencies-public-bodies/dbs/

4.1. The investigating manager, in conjunction with HR (Head of HR - Employee Relations), will need to consider the appropriateness of reporting to the above body in light of the details and outcomes of any investigation into allegations. Where doubt exists, advice should be sought from the relevant body as to whether they require notification. This advice should be recorded and kept with paperwork relevant to the investigation.

4.2 In the case of child protection incidents in schools the LADO is responsible for providing figures to the Brighton and Hove Safeguarding Children Partnership and the DfE.

5. Individual's welfare

Noting the sensitivity of this type of issue, it is important that the welfare needs of the member of staff are considered:

- Staff welfare service contact details should be highlighted to the member of staff
- The union should be contacted as a further source of support
- A named contact manager (who is not part of the investigation) should be identified for the member of staff

6. Team Welfare

Any team where a colleague has been suspended in a school/service area dealing with children will naturally react to the news and often experience shock, disbelief and find it difficult not to have contact with the member of staff. It is often advisable to offer and agree support for the team as a whole.

7. Communication with the wider department / Council

This should be on a strictly limited need to know basis, noting sensitivity and data protection issues, through limited email circulation (schools also have separate guidance relating to governing bodies found under the disciplinary policy guidance).

Appendix A

HIGHLY CONFIDENTIAL

Summary of Allegation/Concern to be placed on Personnel File/kept by the Agency

Explanatory statement

This statement is made in accordance with “Safeguarding Children and Safer Recruitment in Education” and “Working Together to Safeguard Children”

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept on an employee’s confidential personnel file, (or in the case of a volunteer, confidentially stored by the agency), and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record should be retained at least until you have reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Summary of allegation:

How allegation was followed up:

Outcome of investigation*

Action taken and decisions reached

Employee Comments

Signed by: Responsible Manager ……...
Date

LADO ……
Date

Employee……
Date

***Outcomes:**

Substantiated - A substantiated allegation is one which is Supported or established by evidence or proof'

Unsubstantiated - An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded – There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

False – There is sufficient evidence to disprove the allegation.

Malicious – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

(Outcomes from the guidance. Dealing with Allegations of Abuse against Teachers and other Staff, Guidance for LAs, Head Teachers, School Staff, Governing Bodies and Proprietors of Independent Schools, DfE 2012)

LADO refers to the local authority officer designated to give advice and monitor allegations against adults working with children.

Appendix B

DBS Referral Guidance

N.B. This appendix is a summary document and should be read in conjunction with the full DBS referral guidance (see para. 4 above)

Referral to the DBS should be considered in the following circumstances**:**

1. Current employees:

- The employee has been dismissed on the grounds of misconduct that harmed or could have potentially harmed a child/ren.

- The worker has left employment (resigned, retired, or been made redundant) in circumstances where the employer would have terminated or considered terminating employment on such grounds.

- The employer, on such grounds, has transferred the worker to a position that is not a position working with children on a temporary or permanent basis.

Suspensions:

- Workers who have been suspended, but not dismissed or permanently transferred to non- children's positions, on the grounds of harm that they have caused to child/ren should be referred to the DBS, subject to below:-

- Bearing in mind the damage that an unfounded referral to the DBS can cause, a referral should only be made if the employer is reasonably satisfied that the allegations have some substance. Immediate referral may therefore not be appropriate and should be kept under review with the investigation.

2.0 Former employees

- Employers have a duty to refer workers who leave their school/childcare position and about whom information relating to misconduct is subsequently found.

- Should a worker leave employment before a complete investigation can be conducted, an employer can make a referral to the DBS, but only after enquiries have been completed and it is concluded that it would have been appropriate to dismiss.

- In situations where a worker leaves employment before enquiries can be satisfactorily completed (i.e. the teacher/child care worker is unavailable for interview and only half of the story can be taken into consideration), the employer can only realistically conclude that he / she would have considered dismissing the worker.

Note: Employment agencies:

- Employment agencies are under a duty to provide a referral when they have either decided not to do business with the worker on the grounds of misconduct; or

- That on such grounds the agency will not put the candidate forward for further work supplied by the agency.

- Employment agencies / businesses must fulfil the same criteria as childcare providers who employ permanent staff in order to make a referral.

Referrals to the DBS should be made using the paperwork and guidance provided by the DBS found at the following intranet address:

www.homeoffice.gov.uk/agencies-public-bodies/dbs/

Barring referrals - GOV.UK (www.gov.uk)

End.

Signed:……..(Chair of Governors). Date:……

Signed:……..(Headteacher). Date:……