

Urmston Grammar

Policy for Managing Allegations of Abuse Against Staff



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Date	September 2025
Date of next review	September 2028

Introduction

This procedure should be read in conjunction with the Child Protection and Safeguarding Policies & the Staff Disciplinary Policy (along with all policies that fall under those umbrella terms)

It will apply in all cases where it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed 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 manner that indicates that he/she would pose a risk of harm to children or,
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The process applies regardless of whether the alleged abuse took place within school.

Allegations against former staff members who are no longer employed by Urmston Grammar, or allegations relating to historical abuse will be referred to the police.

We will deal with any allegations of abuse against a member of staff or a volunteer very quickly. We will do so in a fair and consistent way that provides effective child protection while also supporting the individual who is subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Suspension

Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal.

In such circumstances we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child/children concerned;
- Providing an assistant to be present when the individual has contact with children;
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children;
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not punishment and parents have been consulted.

Definitions for outcomes of allegation investigations

Substantiated

There is sufficient evidence to prove the allegation.

Malicious

There is sufficient evidence to disprove the allegation **and** there has been a deliberate act to deceive.

False

There is sufficient evidence to disprove the allegation.

Unsubstantiated

There is insufficient evidence to either prove or disprove the allegation (This does not imply innocence or guilt).

Unfounded

To reflect cases where there is no evidence or proper basis which supports the allegation being made.

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Headteacher (or chair of governors where the Headteacher is the subject of the allegation) will take the following steps:

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The Headteacher/Chair of Governors may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the Headteacher/Chair of Governors will notify the designated officer as soon as practicably possible after contacting the police).
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the Headteacher/Chair of Governors will only share such information with the individual as has been agreed with those agencies.

- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Individuals will be given a named contact in school and can seek support from trade union representatives or a colleague, for example. If necessary, the school will arrange additional welfare or counselling support for the individual facing the allegation or concern.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The Headteacher/Chair of Governors will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the Headteacher/Chair of Governors will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Additional considerations for supply staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome.
- The governing board will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation.
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the local authority designated officer as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).
- When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Timescales

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

Specific actions

Action following a criminal investigation or prosecution

The Headteacher/Chair of Governors will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the Headteacher/Chair of Governors and the school's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the Headteacher/Chair of Governors and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the Headteacher/Chair of Governors will consider how best to facilitate this. The Headteacher/Chair of Governors will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the Headteacher, or other appropriate person in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

Confidentiality

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Headteacher/Chair of Governors will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.
- Parents/carers will be made aware of their duty of confidentiality against teachers while investigations are ongoing. This extends to use of social media which may potentially breach this legal requirement.

Record-keeping

The Headteacher/Chair of Governors will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation;
- Details of how the allegation was followed up and resolved;
- Notes of any action taken and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.