



DAWN HOUSE SCHOOL – STAFF HANDBOOK	
Policy Title: Management of Allegations Policy	
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DEALING WITH ALLEGATIONS OF ABUSE AGAINST MEMBERS OF STAFF AND VOLUNTEERS

INTRODUCTION

All children and adults have a fundamental right to be protected from harm.

The Governors of Dawn House School have a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment (Section 175 of the Education Act 2002). Schools should identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate, and in accordance with local inter-agency procedures.

School staff have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children.

Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious.

To fulfil its commitment to the welfare of children, Dawn House School has a procedure for dealing with allegations of abuse against members of staff and volunteers. This policy has been updated to reflect the statutory guidance 'Keeping Child Safe in Education', Sept 2018.

The procedure aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.

Staff have a statutory obligation to report an allegation directly, or they have a general concern about malpractice within Dawn House School, reference can also be made to the ICAN Whistle Blowing Policy.

The procedure complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant guidance and in the local inter-agency procedures. The policy should be read in conjunction with the Whistle Blowing Policy and Code of Conduct.

SCOPE

The procedure applies to all adults employed by the school and all adults volunteering in the school.

GENERAL PRINCIPLES

The following procedure should be used in respect of all cases in which it is alleged that a member of staff or a volunteer in the school 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 he or she would pose a risk of harm to children.

In addition, the procedure also applies if a concern arises about a member of staff or his/her private life which indicates that they may be unsuitable to work with children.

It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Even allegations that appear less serious must be followed up and taken seriously. The procedure aims to provide effective protection for the child and support for the person who is the subject of the allegation.

In response to an allegation, suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative.

Allegations that are found to be malicious should be removed from personnel records and any that are unsubstantiated, false or malicious should not be referred to in employer references.

Pupils that have made malicious allegations are likely to have breached school behaviour policies so the school may apply an appropriate sanction such as temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence has been committed).

Nb: Confidentiality must be maintained by all involved.

Timescales

It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation and avoid unnecessary delay. Indicative timescales for each stage of the process are set out in section 4. However, it is recognised that the time taken to investigate and resolve individual cases may depend on a variety of factors, including the seriousness and complexity of the case.

Confidentiality

The school will take advice from the LADO, police and social care to agree the following:

- Who needs to know and, importantly, exactly what information can be shared.
- How to manage speculation, leaks and gossip.
- What, if any information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if and when it should arise.

Whilst an allegation is being investigated, every effort should be made to maintain confidentiality. It might be necessary however, for staff to be informed so far as is necessary, particularly in the case of allegations involving the Principal.

Consideration will also need to be given as to whether to make a brief statement to parents of children in school to provide an element of reassurance and to continue to provide information throughout the investigation.

The police will not normally provide any information to the press or media that might identify an individual, unless or until the person is charged with a criminal offence.

Information sharing

During an initial evaluation of the case, or strategy discussion (see section 4.3.4), the agencies concerned should share all the relevant information that they have about the person who is the subject of the allegation and about the alleged victim.

If applicable and where possible, the police and children's services social care should obtain consent from the individuals concerned to share the statements and evidence they obtain during the course of their investigations with the school for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. When considering further action, schools should therefore take account of any relevant information obtained in the course of those enquiries.

In cases where the person is deemed to be an immediate risk to children, or there is a risk of criminal offence, in consultation with the LADO it may be decided to involve the police immediately.

Suspension

Suspension should not be seen as an automatic response to an allegation. A person must not be suspended without careful consideration, taking into account the seriousness and plausibility of the allegation and the risk of harm to the pupil concerned. Suspension should therefore be intended as a safeguard for both the child making the allegation and the member of staff against whom the allegation has been made.

In general, suspension should only be considered in any case where there is cause to suspect a child is at risk of significant harm, it is necessary to allow any investigation to continue unimpeded or is so serious that if proven it might be grounds for dismissal.

The school would also seek the advice of the LADO where an employee's behaviour is a matter of concern because it compromises, or may be seen to compromise, the reputation and ability of the organisation to safeguard children and young people.

The power to suspend is vested in the Principal/Governing Body/ Chief Executive Officer. However, it would be appropriate for the views of the police/children's services social care to be canvassed prior to any final decision being made as to whether to suspend a member of staff. In any event, suspension should only follow after discussion with the **Local Authority Designated Officer (LADO) contact details – Cheryl Stollery (Tel: 01623 433433)/ICAN HR.**

If the initial suspension meeting takes place prior to the strategy discussion, care should be taken in relation to the amount of information given to the member of staff.

Schools should also consider whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence, additional supervision, undertaking different duties at school or at home.

A decision to suspend can be made at any stage during the investigation process, reviewed in the light of new evidence and should be carried out in accordance with the procedure set out in the Dawn House Disciplinary Policy.

Suspension or alternative measures should be in place for as short a length of time as possible and if it is agreed that a member of staff is to return to work, careful planning needs to take place to ensure the situation is managed as sensitively as possible. Most people will benefit from help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school should also consider how the person's contact with the child or children, who made the allegation, can best be managed if they are still a pupil at the school or college.

Records

Details of allegations that are found to have been malicious should be removed from personnel records. However for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken or decision reached, is kept on the confidential personnel file of the accused and a copy provided to the individual.

All documents relating to an investigation must be retained until at least the person has reached normal retirement ages or for a period of 10 years from the date of allegation, if that is longer. This includes all allegations, even if unfounded or malicious (refer to definitions at Appendix A). This enables accurate information to be given in response to any future request for a reference and will help provide clarity where a future positive DBS return reveals police information that an allegation was made but did not result in a prosecution or conviction. Such a record also serves to protect the employee from unnecessary re-investigation if allegations resurface after a period of time. The record should be retained until at least the accused has reached retirement age or for a period of 10 years, from the date of the allegation, if that is longer.

Some cases must be reported to NCTL for consideration of including the person on the NCTL Prohibited List: Details of procedures can be accessed via the link below:

<https://www.gov.uk/guidance/teacher-misconduct-regulating-the-teaching-profession>

A copy of the allegation should also be placed on the pupil's file, together with a written record of the outcome.

Support

Parents or carers of a child or children involved should be told about the allegation as soon as possible (with the proviso of 4.2.3). They should also be kept informed about the progress of the case, including suspension and told the outcome where there is not a criminal prosecution. This also includes the outcome of any disciplinary process. Parents should be advised confidentiality should be maintained by all involved.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's services social care or the police as appropriate, should also consider what support the child, children and their parents may need.

The school should keep the person who is subject of the allegations informed of the progress of the case and consider what other support is appropriate, such as making them aware of the Staff Counselling Service where appropriate. If the person is suspended, they should be kept informed about developments at the school. Social contact with colleagues and friends at the school should not necessarily be precluded.

A Guidance leaflet will be made available to all staff who are facing an allegation of child abuse. It would also be appropriate for schools to ask the individual whether welfare counselling or the support of a medical adviser (Occupational Health) would be beneficial.

Depending on the circumstances of the alleged abuse, support for others at the school, both staff and pupils might also need to be considered.

If the allegations are unfounded and no action is to be taken against the member of staff, the Principal/Chair of Governors/CEO should still consider whether counselling and/or informal professional advice might be appropriate for all parties, to help rebuild confidence where necessary. Phased return on full pay for the member of staff could be considered and/or the provision of a mentor. A meeting with the employee to discuss such matters would also be helpful.

Resignations

The fact that a person tenders their resignation must not prevent an allegation being followed up in accordance with the procedure outlined at section 4.

It is important that every effort is made to reach a conclusion in all cases, including any in which the individual concerned refuses to co-operate with the process.

Compromise/settlement agreements must not therefore be used in any allegation cases.

Oversight and monitoring

The LADO has overall responsibility for the oversight of the procedures for dealing with allegations and will provide advice and guidance to schools, as appropriate.

The LADO will also monitor the progress of cases and liaise with the police and other agencies to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.

The contact details for the designated LADO are set out at Appendix A of this document.

HR will work with the LADO to ensure the appropriate application of this procedure and will provide specific advice in cases of formal disciplinary action.

PROCEDURE

Step 1: Reporting of Allegations.

All allegations should be reported to the Principal immediately, the Principal will liaise closely with the Designated Safeguarding Lead in liaising with other agencies. Unless the allegation is about the Principal in which case it should be reported to **ICAN CEO, Bob Reitemier (Tel: 020 7843 2511)** and the Chair of Governors.

A written, dated record must be made by the Principal/CEO of the allegations as soon as practicable, but within 24 hours.

The LADO should be informed of all the allegations that come to the school's attention so that they can consult the police and children services social care colleagues as appropriate. If the allegation falls under the remit of 3.1 above, the case should be reported to the LADO on the same day, where practicable.

The LADO should also be informed of any allegations that are made directly to the police or children's services social care.

The Principal/CEO should not investigate the allegation at this stage. However, serious consideration will need to be given as to whether it is appropriate to suspend the individual concerned (reference 3.7).

Step 2: Informing relevant parties

The Principal/CEO should inform the accused person about the allegation as soon as possible AFTER consulting the LADO and subject to 4.2.3 below. If the person is a member of a union or professional association, they should be advised to contact that organisation.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO should also discuss with the Principal/CEO how and by whom they should be informed.

However, where a strategy discussion is needed, or the police or children's services social care need to be involved (see 4.3.4 below), the Principal should not inform the relevant parties until those agencies have been consulted and agreed what information can be disclosed.

Step 3: Initial Evaluation

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by children's services social care about whether a child is in need of protection or in need of services.
- Consideration by the school of disciplinary/capability action in respect of the individual.

The LADO should discuss the matter with the Principal/CEO, establish that the allegation is within the scope of these procedures and where necessary, obtain further details of the allegation and the circumstances in which it was made.

Consideration should also be given as to whether any other children may be likely to be at risk, in the light of the allegation and whether it might be necessary to review any previous allegations made.

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will contact children services social care and ask for a strategy discussion to be convened straight away. The focus of this discussion will be on the needs of the child or children who may be at risk - following the statutory guidance to safeguarding children 2015.

The strategy discussion should include the LADO, ICAN HR and the Principal/CEO and take account of information that the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.

If the 'threshold of significant harm' has not been reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the police, school and other agencies to evaluate the allegation and decide how best to deal with it.

If the allegation is about physical contact, the strategy discussion or initial evaluation should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances (see also Dawn House School Code of Conduct and Use of Reasonable Force policies).

However, the police must always be consulted about any case in which a criminal offence may have been committed.

Step 4: Action following initial evaluation

If the child or children appear to be at risk of significant harm in need of protection, there should be an urgent referral to local child protection agencies in accordance with the Nottinghamshire Local Safeguarding Board's procedures.

If as a result of the strategy discussion, there is reasonable belief to suggest that a criminal offence has been committed, the police will carry out a full investigation as outlined in section 4.6.

Where the initial consideration decides that the allegation does not involve a possible criminal offence or that there is no significant risk to the child, the LADO should discuss the next steps with the Principal/CEO and institute action as appropriate within 3 working days.

The options open to the school depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal.

The LADO should continue to liaise with the school to monitor the progress of any case and provide advice and support as necessary. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

Malicious allegations (refer to Appendix A for definitions).

If the allegation is considered to be false, the LADO should refer the matter to children's services social care to determine whether the child concerned is in need of services, or may have been abused by someone else.

In respect of malicious allegations, consideration should also be given to whether disciplinary action against the pupil who made the allegation is appropriate including permanent exclusion when necessary and/or referral to the police.

The member of staff should be informed of the allegation verbally and in writing, if this has not already been done in line with 4.2.1. The suspension should be lifted immediately, if applicable. They should be told of the fact that no further action will be taken in accordance with disciplinary/child protection procedures and relevant support considered in respect of their return to work as well as other factors as appropriate on a case by case basis.

Where an allegation is shown to be malicious: All records of the allegation must be removed from the personnel file and the allegation should not be disclosed on any subsequent reference. Where an allegation is not substantiated or shown to be false details minute of meetings will be retained on the personnel file but the allegation should not be disclosed on any subsequent reference even if there appears to be a pattern of allegations.

The Principal/CEO should also inform the parents of the child or the children of the outcome and consider what counselling and support would be appropriate. Advice and support should be sought from the LADO, as appropriate.

When a decision is made to take no further action, a written record should be made, including the reason for the decision. A copy of this should be provided to the employee.

Staff facing allegations should be protected by anonymity and every effort made to maintain confidentiality and guard against unwanted publicity following the reporting restrictions of the Education Act 2002.

Police investigation

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation and will keep the progress of the case under review.

A target date should be set for reviewing the progress of the investigation and this should take place no later than 4 weeks after the initial evaluation.

When a decision has been made not to charge the individual with an offence or administer a caution, the police should, wherever possible, aim to pass all the information they have to the school within 3 working days, as this may be relevant to a disciplinary case.

If the person is convicted of an offence the police should inform the school straight away. The action the school might take will depend on the circumstances of the case and consideration will need to be given to the different standard of proof required in disciplinary and criminal proceedings. For example, it may be the case that whilst there is no criminal prosecution that the standard of proof required for employment law purposes deems that dismissal is appropriate.

Disciplinary action

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days in accordance with ICAN's Disciplinary Policy.

Notwithstanding 4.6.1 above, if a police investigation is being undertaken, consideration will need to be given as to whether disciplinary action can be taken in parallel with the criminal process, or whether the disciplinary process will need to await completion of the police enquiries and/or prosecution. In cases where a disciplinary investigation/action is undertaken in parallel with the criminal process it will have been agreed with the police that there is no requirement to await the completion of enquiries and/or prosecution.

Where further investigation is required to inform consideration of disciplinary action, the Principal/CEO should appoint an appropriate level Investigating Officer which should ideally be their line manager, in consultation with ICAN HR.

If further evidence comes to light during the course of the investigation, referral to child protection agencies may need to be considered.

The investigating officer should aim to provide a report to the school within 10 working days.

Within 2 working days of receipt of the report, the Principal/CEO should consult ICAN HR and decide whether a disciplinary hearing is needed. If this is the case, the hearing should be held within 15 working days.

Step 5: Referral to DBS/NCTL or others

Where it is believed a person has harmed or is likely to harm a child or poses a risk to children, there is a legal duty to refer to the DBS of the person was in regulated activity and the:

- Allegation was substantiated and person was dismissed (or employer ceased to use their services)
- Person resigned before the case could be concluded.
- Or the person is still employed but has been removed from regulated activity.

Professional misconduct cases should be referred to the relevant regulatory body. The DBS will consider whether to bar the person. Guidance on referrals can be found on www.gov.uk.

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to a child or vulnerable adult; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

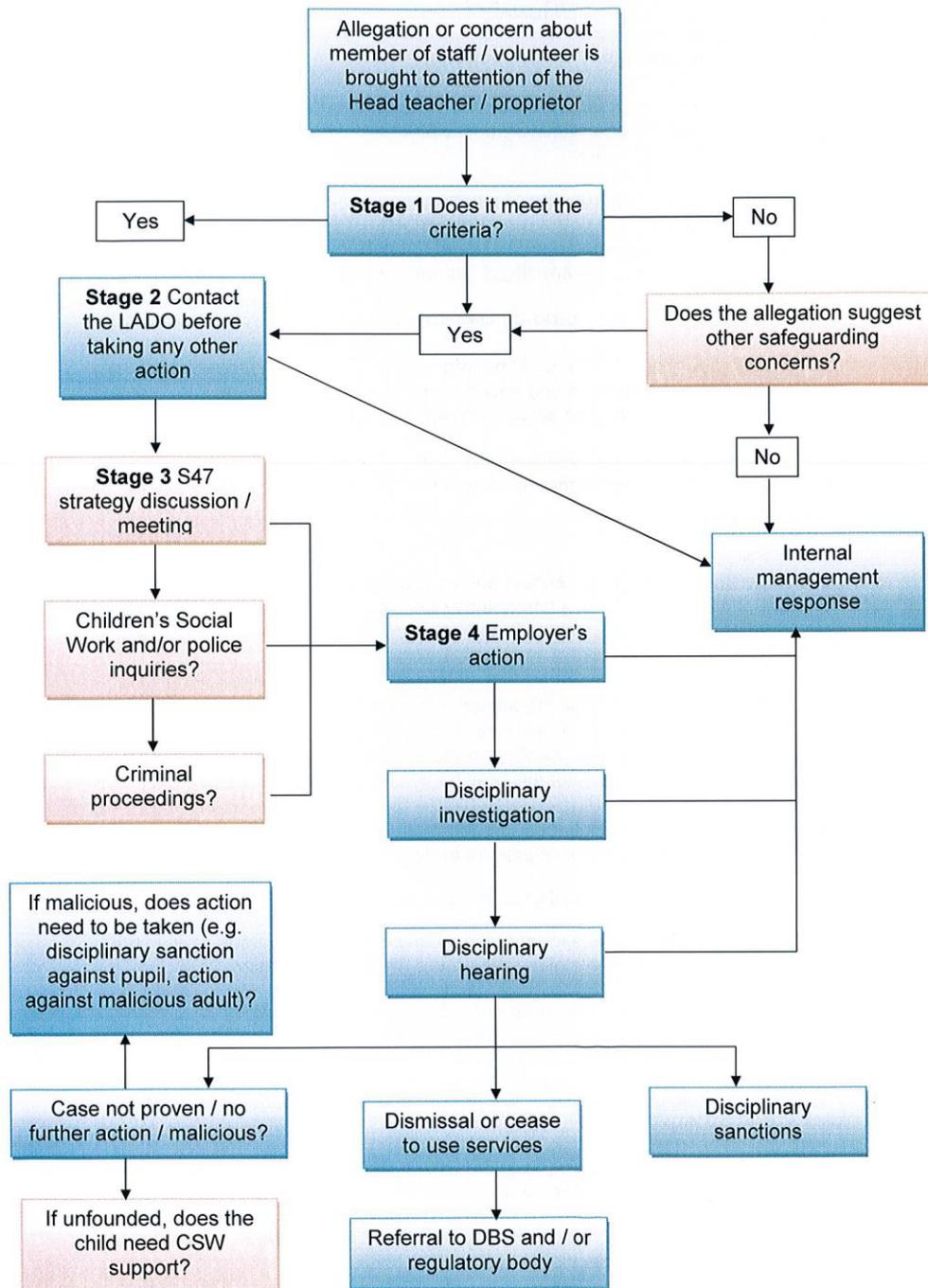
Where an allegation against a teacher has been substantiated on conclusion of the case, the school should consult the LADO who will also liaise with HR about whether a referral to NCTL for consideration of misconduct is required, or advisable. If a referral is appropriate the report should be made within one month.

<https://www.gov.uk/guidance/teacher-misconduct-regulating-the-teaching-profession>

Step 6: Formal Review

In cases where an allegation has been substantiated, the LADO should review the circumstances of the case with the Principal/ CEO and determine whether there are any improvements that could be made to the school's procedures/practice, to help prevent similar events occurring in the future.

Appendix A



Managing Allegations – Eyre Nov 2014 - based on 'Keeping children safe in education' (DfE 2014 part 4) and DCSF draft Practice Guidance 2009

Appendix B

Definitions

- (i) No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their families.

Types of allegation:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **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.
- **Unsubstantiated:** this is not the same as a false (malicious) allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or evidence.

1.1 Chair of Governors/Deputy CEO

Responsible for liaising with the Principal/designated teacher at the school over matters regarding child protection issues, or in the case of allegations against the Principal, liaising with the LA designated officer/I CAN HR over appropriate action to take.

1.2 Local Authority Designated Officer (LADO)

Has overall responsibility for ensuring that the school and LA have procedures for dealing with allegations, resolving any inter-agency issue and liaising with schools and the Local Safeguarding Children Boards (LSCB) on the subject.

The LADO role for schools in Mansfield is fulfilled by Cheryl Stollery, the Safeguarding Officer (Tel: 01623 433433)

1.3 Nottinghamshire Safeguarding Children Board

Key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children.

Appendix C

THE INVESTIGATING OFFICER

Nominating the Investigating Officer (IO)

Allegation against any member of staff/volunteer (except the Principal):

NB – throughout these notes, 'head teacher' also refers to the principal and may in some cases denote the proprietor of an organisation.

When the Principal becomes aware of a potential disciplinary matter he/she should nominate an IO bearing in mind the following points:

1. He/she should be a person with no involvement whatsoever in the matter under investigation.
2. The person nominated should wherever possible be a senior member of the school staff. This should normally not be the Head teacher. The Deputy HT would normally carry out this role or possibly the next most senior member of staff.
3. In certain exceptional cases the HT may choose to act as IO. It is recommended that the HT fulfils the role only in those cases where:
 - a) A senior member of staff is the subject of the investigation.
 - b) The deputy head and/or other senior member of staff may be called as a witness.
 - c) Where there is no senior member of staff available who does not have detailed prior knowledge of the case.
4. Where in exceptional cases the Head teacher and the other senior staff cannot act as IO, one may be available from HR/legal provider or an independent investigator may be required.
5. Where the subject of the investigation involves a member of staff, written instruction to undertake the investigation should be issued by the Head teacher to the IO.

In arriving at the decision as to who to nominate as IO, the HT is reminded that it is a fundamental principle that disciplinary matters are dealt with at the lowest level possible, appropriate to the disciplinary matter under investigation. The HT should consider the appropriateness of presenting a case to the governing body which is, in disciplinary terms, of relatively minor importance. Therefore, in such cases the HT may wish to consider using another individual to carry out the investigation, for example an officer from HR.

Allegation against the Head teacher/Principal

The governing body/proprietor should determine who should act as IO e.g. a member of the governing body or an external investigator.

A written instruction to undertake the investigation should be issued by the governing body/proprietor to the IO.

Role of the Investigating Officer

The IO's brief is to establish the facts of the case by gathering information. Before commencing an investigation, advice and guidance should be sought from the appropriate HR officer or provider on how to conduct an investigation.

If the matter under investigation involves an allegation(s) of professional abuse and the police or children's social work agencies are involved then the school's investigation may have to be held in abeyance until the external investigation has been completed. Advice on whether to proceed should be sought from the Local Authority Designated Officer (LADO).

The whole process of the investigation should be undertaken in the strictest confidence.

How to conduct the investigation

Principles of conducting an investigation:

- The investigation should be free from bias and meet the requirements of natural justice. All concerns should be put to the employee and they should be allowed to respond.
- At all stages of the process, confidentiality must be maintained by all parties.
- A timescale should be provided at the beginning of the investigation to all parties concerned and every effort should be made to achieve this. However, if this is not possible, all parties should be informed and given reasons why.
- All parties have the right to be accompanied by a trade union representative or work colleague not involved in the case throughout the investigation process.

Meeting the member of staff

The IO will usually meet the member of staff whom the allegation/complaint is against (with their trade union representative or a work colleague should they wish) and explain that this is a formal investigation. The member of staff will be given information about the allegation/complaint (verbally and in writing) and the procedure to be followed will be explained. The information should be given in sufficient detail for the member of staff to understand the overall matter of concern.

Before commencing the investigation

- Identify details of the precise issue to be investigated, e.g. details of allegations/complaint made etc.
- Suggested methodology for conducting investigations, e.g. identification of initial witnesses, copies of policy being breached etc.
- Under which school policy or procedure the investigation is being conducted.
- Clarify what purpose and by whom any investigation report will be used.

Preparation for the investigation interviews

The IO should:

- Ensure that enough time has been set aside to hold the interview confidentially, in a private room that is available without any interruptions.
- Ensure that all necessary information is available during the course of the meeting, e.g. copies of policies/procedures etc.
- Prepare a list or structure of challenging questions in relation to the alleged incident/allegation.
- If not using a digital recorder, ensure that an appropriate person is available to take detailed notes of the meeting, for use within the investigation process/report where appropriate.

All staff interviewed as part of the investigation are entitled to be accompanied by a trade union representative or a work colleague (who is not involved in the matter). The employee should be written to stating the date/time and venue, the purpose of the meeting and the right to be accompanied.

Conducting the investigation interviews

Where possible, the interviews should be conducted in the following suggested order:

- The person raising the allegation/complaint should be interviewed first.
- Witnesses should be interviewed one at a time. There may be a need to re-interview witnesses during the investigation process. Additional witnesses may be identified during the investigation and must also be interviewed.
- The person whom the allegation/complaint is against should be interviewed last.
- Care should be taken to avoid any opportunity for collusion.

When considering whether to interview children who may be involved as witnesses please refer to the LADO for advice first.

The structure of the investigation interview

- Explain the context of the interview and the member of staff's right to representation.
- For what purpose the meeting notes or transcript and subsequent record of interviews will be used.
- How and when the interviewee will be able to check the notes/record of interviews.
- Reiterate the importance of confidentiality.

The interview itself is to ascertain facts and there may be times when a series of specific questions requiring specific answers may need to be put to interviewees. Fair, open and challenging questions may be used to probe answers to establish the facts. The interviewer should avoid any speculation or opinion.

Questioning

- Use open questions (who, what, why, when, how, etc.).
- Use closed questions in order to clarify points. Leading questions should not be used when interviewing witnesses.
- Discuss and enquire into any additional information for clarification.
- Ensure that specific examples are provided when unsubstantiated descriptions are given, i.e. 'bullying' or 'inappropriate behaviour' etc.
- Where physical force is alleged to have been used then the degree of force should be clarified.

Once questioning is complete, re-cap and clarify main points of discussion, ensuring that the notes taken are accurate and answer any appropriate questions or concerns raised.

Closing statement

- Explain the next steps, confirming how/when the record of interview is to be prepared and verified and when the investigation is expected to be completed.
- Ensure that contact details of the IO are provided and ensure confidentiality is fully understood.

At the end of the investigation, interview the IO should have obtained from each witness:

- The names of those present or involved.
- Date/time/place of the alleged incident/allegation.
- Details of what took place and the order in which they happened.
- How the individual reacts to any other documents or witness evidence which is inconsistent with their account.
- The steps taken since the alleged incident/allegation, including any steps taken to resolve the matter.
- Their preferred outcome (in cases of complaint).

Records of interviews

- Any notes taken during the investigation interviews (or the transcript if digital recording was used) should be typed, checked and signed by the interviewee. The record of interview should record the facts, written (within reason) in the language used by the interviewee following the train of events.
- If there is any ambiguity or gap in the account these should be clarified with the interviewee.
- The interviewee must be given the opportunity to review the statement and must only sign to confirm it as a true and accurate version of events.
- Once the record of interview is typed, the employee should be allowed sufficient time to read it through, make any amendments/additions as necessary and sign and date the record at the bottom of each page. Any amendments should be initialled. Where possible, it is advised that the record is typed and signed as soon as the interview has been completed.
- Where records of interviews cannot be taken, the IO may ask the interviewee to provide a written statement which can be prepared with their trade union representative. In these cases, the statement should be checked by the IO and included in the investigation report.

Evaluating the evidence

All of the relevant evidence gathered during the investigation should be reviewed and collated for use within the investigation report. This should include:

- Any record of interviews.
- Notes from investigation interviews.
- Relevant policies and procedures.
- Evidence of custom and practice etc.

This evidence should be evaluated, particularly where there are contradictions or conflicts which the IO must consider. In evaluating evidence, each case should be judged on its merits; however, the following points should be considered:

- Direct witness evidence will usually be stronger than indirect information relating to the incident/allegation.
- Evidence which is inconsistent with documents produced at the time is questionable.
- Evidence which is vague, is unsubstantiated opinion or hearsay, omits significant details or contains inherent contradictions is questionable.
- Anonymous evidence should be reviewed with caution as it is often difficult to substantiate.
- Consideration should be given to any bias, motivation or influence individual witnesses may have.
- Where possible, the factual accuracy of points raised in records of interviews should be verified by the investigating officer if they are material to the allegations/complaints.

It is important to remember that in reviewing the evidence and recommending appropriate courses of action, the IO only has to show they have a **reasonable belief** of what happened based on their assessment of the evidence. Unlike a legal case, there is no requirement to prove a case *'beyond reasonable doubt'*.

Writing the investigation report

An investigation report should be written by the Investigating Officer and should normally be structured as follows:

1. **Table of contents.**

2. **Terms of reference for the investigation.**

- A brief introduction to the report clarifying the allegation/incident which have been investigated.
- Details of the person against whom the allegation/complaint has been made, including whether they are currently suspended from duty and the name of the Investigation Officer.

3. **Methodology.**

This section should detail the process of the investigation including:

- Details of any other activities undertaken as part of the investigation (watching videos etc.).
- A list of the people interviewed, including their post title and dates of any interviews that have taken place.
- List of documents used, including any details of school policies and procedures reviewed.

4. **Findings/analysis.**

This will be the largest section of the report and will detail the findings from the investigation, including:

- Facts and evidence presented.
- Any inconsistencies found with explanations, where applicable.
- Any mitigating circumstances and any risks identified.
- Where information from particular witnesses is cited, note must be made of the relevant appendices where the record of interviews can be found.

5. **Conclusion** (recommendations where appropriate).

- Where appropriate, a final section could include the conclusions drawn by the Investigating Officer following the evaluation of the evidence.
- Recommendations are not mandatory, but in the case of disciplinary investigations should indicate the recommended next steps or the initiation of any other procedure, following issues highlighted during the investigation.

NB: It is not the responsibility of the Investigating Officer to recommend sanctions or to uphold allegations.

6. **Appendices.**

- Record of interviews from meetings, copies of correspondence or policies cited during the report should be included.

Appendix D

Reference documents

'Keeping Child Safe in Education' (September 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf

Dealing with Allegations of Abuse: Part 4 Pages 40-49

Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession (June 2015)

<https://www.gov.uk/guidance/teacher-misconduct-regulating-the-teaching-profession>

"Working Together to Safeguard Children" (March 2015)

Sets out how individuals and organisations should work together to safeguard and promote the welfare of children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

Use of Reasonable Force

Allows all teachers to use reasonable force to prevent a pupil from committing a criminal offence, injuring themselves or others, damaging property, acting in a way that is counter to maintaining good order and discipline at the school.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268771/use_of_reasonable_force_-_advice_for_headteachers_staff_and_governing_bodies_-_final_july_2013_001.pdf

Complaints about a school: <https://www.gov.uk/complain-about-school>

ICAN Whistleblowing Policy – A Framework by which staff can voice their concerns in good faith about practice within the school without fear of repercussion and in accordance with the Public Interest Disclosure Act 1998.

Dawn House School Staff Code of Conduct – Guidelines for Safe Working Practice for the Protection of Children and Staff

Dawn House School Staff Dress Code – Guidelines about acceptable mode of dress