

Managing Allegations Against Staff or Volunteers in Nurseries, Schools, Colleges and Education Settings

Title	Managing allegations against adults or volunteers in nurseries, schools' colleges and education settings.
Document Purpose	To ensure Headteachers, Principals and Managers understand the process for managing allegations against people who work with children, volunteers or those who are in a position of trust
Target Audience	All staff, or volunteers, working in nurseries, schools, colleges or education settings to safeguard children in Jersey
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Publication Date	May 2021
Review Date	May 2022
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1. Introduction

The purpose of this policy is to provide a framework for managing allegations made against adult or volunteers who have contact with children and young people. in nurseries, schools' colleges and education settings.

It is the employer's responsibility to deal with any allegation brought to their attention which indicates that a member of staff or adult who works with, or volunteers with children under 18 years of age 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 he or she would pose a risk of harm to children**

- **Behaved in a way that indicates they may not be suitable to work with children**

It is important **all staff** work within a culture where everyone can raise concerns about poor or unsafe practice, whether raised by children, parents, colleagues or other adults. All allegations should be listened to and taken seriously, and appropriate action should be taken in accordance with this policy.

Nurseries, schools, colleges and education settings should accept a belief that, ‘it could happen here’.

2. Terminology and Scope

The term child is used throughout this policy, but also denotes young person.

The term staff is used throughout this policy, and denotes all employees, volunteers or adults who come into contact with children, directly or indirectly, within nurseries, schools, education settings and CYPES departments.

The term Headteacher will be used throughout this policy but also denotes Managers, Principal and Heads of Service

Employer is used to describe the organisation, company, agency, or provider that the adult is working for, in addition to those who manage or oversee the volunteer or member of staff.

The term Allegation is a technical term based on the definition provided by “Working Together to Safeguard Children” (2018). It is different to the dictionary definition of the word and the procedure still needs to be followed even if there is clear evidence that the incident has or has not happened. An allegation does not need to be formally made or explicitly described for this process to be followed.

Person who works with children covers paid and unpaid employees, contractors, volunteers, those in positions of leadership and management, and anyone else working on behalf of, or undertaking work for CYPES Education Directorate.

Jersey Designated Officer’s (JDO) role in Jersey is equivalent to Local Authority Designated Officer (LADO) in England, UK and receives reports about allegations. As in England, the JDO, provides advice and guidance to organisations, liaises with other agencies when there are allegations, and monitors the progress of any allegations.

There are a few situations where consideration is required to determine where the Designated Officer (DO) responsibility rests. The general principle is that the JDO / LADO

of the area where the individual is engaged in work with children holds responsibility. For most cases this is clear and does not require cross-border discussion.

Where an individual works in settings in two different areas, the JDO / LADO of the setting where the incident took place will take the lead and communicate with the other LADO(s) as required.

If the allegation is in respect of an incident in the personal life of the member of staff, then the JDO / LADO where the member of staff works (and where a potential risk to children has been identified) will take responsibility. If there are multiple roles carried out across different areas, or jurisdictions, the JDO / LADO in the area with the substantive employment will lead. However, if there is no substantive employment, the JDO / LADO involvement will be based on the home address of the member of staff.

For staff who are contracted with agencies, then the JDO /LADO where the member of staff works (and where a risk to children has been identified) will take responsibility.

The exception to this rule will be for foster carers who are registered with a Local Authority in the U.K but live outside of that area. In these situations, the LADO of the local authority that “employs” the carers should take responsibility and notify the LADO in the geographical area where the children are placed.

Also included are foster carers, approved adopters, and child minders, and applies to any person, who manages or facilitates access to an establishment where children are present. Specific additional procedures to follow in relation to foster carers is set out in separate Children's Social Care Guidance, but you should discuss any concerns with the JDO in the first instance.

3. Process

This policy sets out the process to be followed when an allegation is made and aims to ensure that:

- All allegations are managed in a fair, consistent and timely manner
- Managing allegations effectively provides protection for the child
- Staff should receive appropriate support throughout the process [States of Jersey Disciplinary Policy](#)

4. Roles and Responsibilities

All staff should:

- Ensure they are familiar with this policy and procedures.
- Report any allegation or concerns to the Headteacher, or deputy in their absence.
- If the allegation is against the Headteacher they should report to the Deputy Headteacher, or the Designated Safeguarding Lead if the Deputy Headteacher is unavailable.

- If the allegation is against the Principal Youth Officer, they should report the concern to the Designated Safeguarding Officer for the Education Directorate, CYPES.
- Failure to report any concerns or allegations is a serious matter and is likely to result in disciplinary action.

Headteachers are responsible for:

- Ensuring they have a good working knowledge and understanding of this policy and procedures.
- Ensure all staff and volunteers are aware of this policy and it has been discussed at their induction.
- All staff and volunteers should know to report to the Headteacher and understand that **if the allegation is against the Headteacher** that this should be reported to the Deputy Headteacher or the Designated Safeguarding Lead for school.
- Providing support for children, parents and staff from the outset of an allegation being made to the conclusion of any investigation, outcomes and the implementation of recommendations.
- Whole-school training should be provided as part of safeguarding practice in all nurseries, schools, colleges and education settings to make them aware of this policy.

Designated Safeguarding Officer (DSO) for Education Directorate/CYPES:

- Is the point of contact for Headteachers to provide advice on the management of allegations.
- Is the point of contact between the Multi-Agency Safeguarding Hub (MASH) the Education Directorate, the JDO and a GoJ Senior HR Consultant for Case Management.
- Will liaise with MASH as necessary if the allegation is being investigated by them and/or the police.
- Oversees, from start to conclusion, any allegation raised.

People Consultancy Services (HR) are responsible for:

- Supporting the Headteacher and the DSO in the management of any allegation in relation to disciplinary procedures, including investigations and suspension.
- Providing support for the member of staff, in partnership with the Headteacher.

5. Recognising and Responding to an Allegation

There are several sources from which a concern or an allegation might arise:

- Child or young person
- Parent or another adult
- Member of the public
- Colleague
- Disciplinary investigation

The person to whom the allegation is first reported should treat the matter seriously and keep an open mind with *the belief that it could happen here*.

They should not:

- Investigate
- Make assumptions or offer alternative explanations
- Promise confidentiality or give assurances that information will only be shared on a 'need to know' basis.

6. Actions for Headteachers

The Headteacher **should not investigate or interview the member of staff, child or any potential witnesses at the initial stage.**

If a child, or children, are at immediate risk of harm, the Headteacher should take immediate necessary steps to mitigate any risks. In some cases, the police may need to be notified as soon as the allegation is made. The Multi-agency Safeguarding Hub (MASH) should be notified about the nature of the allegation and informed that a Children and Families Hub (C&F Hub) referral will be submitted with all relevant information and the actions taken by school. In these cases, the parents/carers of the child should be contacted and informed of the allegation and that a C&F Hub referral is required.

The Designated Safeguarding Officer (DSO) for the Education Directorate/CYPES should be informed as soon as possible and will provide advice and will email the Headteacher the **Allegations Record** template, which is used for the initial gathering of facts.

If the DSO is unavailable, the process should not be unnecessarily delayed so the Headteacher should contact the Service Manager for Vulnerable Children or the Head of Inclusion Services.

The Headteacher will discuss the allegation with the DSO. Should the DSO consider the allegation to be one of professional conduct, rather than a child protection or safeguarding matter, the Headteacher may be advised to discuss the allegation with a Senior Manager for the People Consultancy Services who will advise the Headteacher on what actions to take.

Should the allegation suggest a child has been harmed, or there is a risk of harm to a child, the DSO will request that a referral to the Children and Families Hub is submitted alongside a telephone call to the MASH to inform the MASH Manager that a referral regarding an allegation is being made. Parents of the child concerned should be informed as soon as possible and their consent for the C&F Hub referral should be obtained.

In any case with reference to the above, the DSO will consult with the JDO to share information and a decision will be made as to whether a JDO strategy meeting is required. If a JDO strategy meeting is required, the Headteacher, DSO, Police, Business Partner for Case Management and other relevant professional partners will be invited to attend.

Out of normal working hours

If an allegation is reported outside of normal school hours, but requires an immediate response, the DSO for Education should be contacted on 07797924274, or for the Youth Service 07797763342.

7. Informing parents or carers

The parents/carers should be helped and supported in understanding the processes involved when dealing with an allegation and the Headteacher should keep them informed about the progress of the case. It is also important that parents/carers understand that confidentiality should be maintained while an investigation is ongoing. Information should be restricted strictly to those involved in the investigation or those who need to know in order to protect children.

Where there is no criminal prosecution parents can be told of the outcome in confidence and that appropriate action by the Headteacher and CYPES has been, or will be taken; no other details about investigations or decisions should be shared.

8. Record Keeping

All information relating to the allegation must be recorded and include the date and time the allegation was reported and by whom; the date, time and location of the 'incident', and the names of any potential witnesses.

All information should be recorded on the Allegation Record, which will be provided by the DSO and should be returned to the DSO as soon as possible once completed. This record will remain a working document until the completion of investigations and provide a chronology of all actions taken, agreed formal outcomes and any recommendations.

For all allegations (regardless of the outcome), it is important that comprehensive and contemporaneous records include:

- Name and role of person reporting the concern/allegation
- Times, dates, location of incident and names of any witnesses
- Name and details of the adult allegation is made against and their role in school
- A factual description of the allegation, what has been said and/or seen - not opinion
- Names and details of potential witnesses, whether adults or children
- Dates and times of actions taken by the Headteacher
- Details of consultation with the DSO and the MASH Manager, or other professionals

This ensures good recording keeping in line with best practice and enables accurate information sharing in response to any future requests for references, particularly in relation to any safeguarding questions. It also prevents unnecessary re-investigation if, as sometimes happens, an allegation resurfaces at some point in the future.

A copy of the allegation outcome will be confidentially retained by the DSO for Education Directorate/CYPES upon the conclusion of any investigations. The record will be kept securely by GoJ Human Resources on the personal file. Before providing the member of staff with a copy of the record, appropriate third-party redacting should be done to comply with Data Protection 2018 (Jersey) Law.

9. Providing References

Cases in which an allegation outcome was proven to be **false, unsubstantiated, unfounded, or malicious should not be included in an employer reference**, nor should a history of repeated concerns or allegations which have all been found to be false, unsubstantiated, unfounded, or malicious be included in an employer reference. All responses should be factually accurate and are supported by evidence.

Note: In the UK, the Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of the accused, if the child was a pupil from the same school. 'Publication' includes any speech, writing or other communication, whatever the form. Although this legislation does not extend to Jersey, it should be recognised as good practice to maintain confidentiality and protect against identification, whilst any investigation is on-going. In this respect the Headteacher should give professional advice to parents (and other relevant parties) to also consider confidentiality and to be extremely careful in their use of social media.

10. Role of the Designated Safeguarding Officer (DSO) Education Directorate/CYPES

- To provide advice and support for the Headteacher in the management of allegations.
- To ensure timely information sharing, monitor progress and developments in respect of investigations.
- Liaise with the JDO to achieve timely actions and outcomes as far as possible. This is especially important with consideration to the academic year and school holidays so the member of staff can be fully informed of developments during term time and during holidays.
- Liaise with the police where there is an ongoing police investigation as this will take priority over other investigations.
- Maintain contemporaneous records and communicate with relevant colleagues as required, for example, Senior HR Consultant.
- Keep the Head of Service/Group Director kept up to date with allegations and outcomes.
- Provide training and support for Headteachers, DSLs, managers and staff in nurseries, schools, colleges and education settings.

- Provide the Education Group Director with an annual report on all reported allegations.
- Where an allegation has been made against a member of staff or volunteer who work with children, consideration needs to be given to whether they also have contact with adults at risk and in this instance, information should be included on the JDO referral form. [Jersey Safeguarding Partnership Managing Allegations Framework](#)

11. Role of the Jersey Designated Officer (JDO) Standards and Quality Directorate/CYPES

All allegations made against adults working with, or volunteering with children or vulnerable adults should be reported to the JDO who has independent oversight in all cases. Following a consultation about the facts of the allegation the JDO will decide whether the allegation meets the threshold for a multi-agency JDO strategy meeting or that the allegation can be managed through the employer's own disciplinary procedures.

For staff who are contracted with agencies the JDO /LADO for the area/jurisdiction where the member of staff works (and where a risk to children has been identified) will take responsibility.

An allegation may be made outside the workplace, where there are concerns about someone's behaviour towards their own, or other associated children, and the police and/or children's social care will consider informing the employer in order to assess whether there may be implications of transferable risk within the role that person holds. In these cases, the DSO for Education will be informed and the Headteacher and DSO will be invited to a JDO strategy meeting.

12. Off island / School Trips

Allegations made off-island, or on school trips, require the same immediate action and the Headteacher should be contacted and informed immediately.

In the event of a child protection incident, the accompanying adults must take practical measures to safeguard all children in their care immediately and report the allegation to the designated safeguarding teacher who has been identified for the duration of the trip. The designated safeguarding teacher will provide advice and immediate assistance dependent on the nature of the incident.

The teacher will follow school policy regarding communication with Education/CYPES DSO, or the Service Manager for Vulnerable Children, and advice will be provided on how to proceed. The Head of Inclusion and Group Director for Education will also be informed.

Advice should also be sought from the Jersey MASH regarding contact with necessary authorities within the local jurisdiction.

13. General Considerations Related to Allegations Against Staff

Confidentiality

Confidentiality should be strictly maintained while an allegation is being investigated. Information should be restricted to those involved in the investigation or who need to know in order to protect children.

All records relating to an allegation must be stored securely and confidentially.

In accordance with the Authorised Professional Practice published by the College of Policing (May 2017), the Police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a court to request that reporting restrictions be lifted.)

The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so, or if a judge lifts restriction in response to a request to do so.

14. Supporting Those Involved

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Service, or the police as appropriate, should consider what support the child or children involved may need.

Initial discussions following the referral will consider which agency is best placed to liaise with parents and the children concerned. The child and / or their family should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

Note that the deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed, but the parents or carers may be told the outcome depending on individual circumstances.

In deciding what information to disclose, careful consideration should be given to duties under the Data Protection (Jersey) Law 2018 (or any applicable data protection legislation in force) and, where relevant the Human Rights (Jersey) Law 2000. Headteachers should seek guidance from Education Directorate Head of Governance.

It is expected that the adult about whom the allegation has been made will be supported either by the Headteacher, a named person or line manager during the investigation and kept informed of developments where appropriate. They should be offered staff counselling and the adult may be advised to contact their Trade Union where appropriate and/or professional organisation.

15. Allegation meeting/discussion

Where an allegation strategy/management meeting is considered appropriate, this will be arranged. For all other meetings the JDO (the chair) will consider inviting from the following list of possible participants:

- Headteacher and the Designated Safeguarding Officer for Education/CYPES
- Where there are multiple employments, representatives from each employer
- People Hub Consultant for GoJ Human Resources
- Detective sergeant – SoJ Police
- Relevant social worker and their manager
- Supervising social worker and their manager when an allegation is made against a foster carer or prospective adopter
- The Designated Safeguarding Nurse for Health/HCS

The Allegations Management Meeting will be chaired by the JDO (or their nominated representative) and those present will need to:

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim.
- Confirm any measures the school have put in place since the allegation was received to mitigate any risks and provide support for the child and the subject of the allegation.
- Receive information about enquiries and investigations that have already been between the JDO and senior manager prior to the meeting.
- Plan the investigation/enquiries and set timescales for tasks to be undertaken
- Consider whether any other children are affected by the allegations e.g., the persons own children or other children in the agency setting, for example children placed with foster carers, child-minders, a youth club, grandchildren.
- Determine any action that needs to be taken in respect of any other children identified including an Article 42 of the Children (Jersey) Law 2002 Enquiry.
- Decide how regular information and support will be provided to the child and family and by whom.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation, Child Protection Assessment and disciplinary processes.
- Consider whether the circumstances suggest that the person who is subject to the allegation should be suspended from contact with children, to inform the employer's decision about this issue (including whether a foster carer's approval should be suspended and the implications for other children in the placement); this may change as the investigation progresses and should be reviewed regularly.
- Consider the need to develop a media strategy.

Review meetings will:

- Review the actions from the prior meeting
- Seek updates from relevant parties and share information
- Review the support offered to the child subject of the allegation and parents/carers
- Consider how messages are managed with media and other parties
- Agree further action plan as required

To conclude an allegation management episode the Headteacher and/or DSO, and JDO should ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

16. Outcomes:

The professionals involved should take in to account the following definitions when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation; and suggest that it was falsely made
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence
- **Unfounded:** the allegation is not based on fact and there is no substance to the allegation.

All relevant professionals must keep the education DSO and the JDO informed of any developments in the case.

Unsubstantiated, false and malicious allegations

False and malicious allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, or considered to be malicious, the employer, in consultation with the JDO, should refer the matter to children's social care.

If it is established that an allegation is malicious, that is has been deliberately invented, the JDO and employer will consider if the police should be asked to consider review the case and consider what action may be appropriate.

Record keeping where an allegation is found to be malicious.

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, and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period.

17. Suspension

Suspension should not be an automatic response, it will be decided following consultation between the DSO, Head of Inclusion and the Group Director alongside the HR Senior Consultant for Case Management, People Hub or;

Suspension should be considered in cases where:

- There is reason to suspect a child, or children are at risk of harm; or
- The allegation leads to an investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the home, work or community life of the person who is the subject of the allegation.

If an Allegations Management Meeting is to be held or, if Children's Social Care Services or the police are to make enquiries, the JDO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend a person who is the subject of an allegation and they cannot be required to do so by the JDO or police.

The DSO and/or Head of Inclusion/Headteacher must inform the Group Director for Education/CYPES as soon as there is evidence to suggest that suspension from work is a likely and proportionate response to the allegation and until the completion of any police or other investigation.

If the person who the allegation was made about has been suspended, the Headteacher, or other agreed named person, should also make their usual arrangements to keep the individual informed of developments. For individuals' who are self-employed, they will be notified of the allegation that has been made against them and advised to seek support from their Trade Union, Professional Body and / or their G.P.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g., a phased return to work and/or provision of a mentor),

and how best to manage the member of staff's contact with the child concerned, if still in the workplace.

18. Whistleblowing

All staff should be made aware of the organisation's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the DSO for Education/CYPES or the JDO in the first instance.

19. Resignations, Compromise Agreements and References

Every effort should be made to reach a conclusion in all cases, even if:

- The individual refuses to co-operate, having been given the full opportunity to answer the allegation and make representations:
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

Compromise agreements **must not be used** i.e., Where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed. A settlement / compromise agreement which prevents the employer from making a DBS referral when the criteria are met for doing so would like result in a criminal offence being committed for failure to comply with the duty to refer.

20. Allegations against staff outside of the workplace

If an allegation or concern arises about the behaviour of a member of staff outside of their work, which may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in this policy still apply and the Headteacher should contact either the education DSO or the JDO for guidance.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the JDO should support the Headteacher and DSO in their investigation. [Jersey SPB Managing-Allegations-Framework](#)

21. Referral to the DBS

In cases of dismissal, the Disclosure and Barring Service must be informed by the senior officer with responsibility for allegations; Headteachers/Managers should contact the JDO, the Head of HR Case Management or the Education DSO for consultation and further guidance around this.

Allegation Record Template – which will be emailed by the DSO once an allegation has been reported.



Allegations Record
Template Revised 20:

Presented to	Approved by	Date
SLT	Approved	22.11.2021