



## Managing Allegations against Staff Policy

2025

*As a Rights Respecting School our philosophy is underpinned by the values and principles of the United Nation's Convention on the Rights of the Child (UNCRC).*

**Article 3 - Best interests of the child:** This article emphasizes that the best interests of the child should be a primary consideration in all actions concerning children. We have ensured that our policy reflects this by prioritising children's welfare in any investigation or response to allegations.

**Article 12 - Respect for the views of the child:** Children have the right to express their views freely in all matters affecting them. This policy ensures our children are heard and taken seriously, especially if they are involved in or affected by an allegation.

**Article 19 - Protection from all forms of violence:** This article requires the protection of children from all forms of physical or mental violence. The policy outlines clear procedures for protecting children from harm and addressing allegations swiftly and effectively.

**Article 34 - Protection from sexual exploitation and sexual abuse:** This article obligates states to protect children from all forms of sexual exploitation and abuse. This policy includes stringent measures to prevent and respond to such allegations.

**Article 39 - Rehabilitation of child victims:** This article provides for the recovery and reintegration of child victims of abuse. This policy includes support mechanisms for children who are victims of any abuse or misconduct by staff.

### **Rationale**

This policy document provides a framework for the creation of a happy, secure and orderly environment in which children at St Luke's can learn and develop as caring and responsible people, as outlined in the School's Mission Statement. It is written for all members of the school community to allow each one to understand the policy of the school and to apply it consistently and fairly.

### **1. Introduction**

1.1 The purpose of this policy is to provide a framework for managing cases where allegations are made which indicate that a member of staff 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.

1.2 It is important that we adopt, and work within a culture where everyone is able to raise concerns about what seems to be poor or unsafe practice and that those concerns, whether raised by colleagues, other professionals, expressed by children, parents or others are listened to and taken seriously and appropriate action is taken in accordance with this policy and procedure. There has to be a belief that it could happen here.

1.3 Advice can be sought at all stages of this policy and procedures from:

- a) **Schools:** Designated Safeguarding Officer for Education (DSOE)  
**449447 / 07797954714**

1.4 'Head teacher' will be used throughout this policy to also mean (in a non-teaching/school environment) the Line Manager/Head of Service/Principal Youth Officer.

### **2. Application and Scope**

2.1 This policy applies to all employees, volunteers, those on student placements, trainees, contractors and anyone else working on behalf of, or undertaking work for the Education Department.

- 2.2 For ease of reference, anyone who falls under these groups will be uniformly referred to as 'staff' in this policy.
- 2.3 This policy covers allegations made against staff in the course of their duties and outside of this, including their private life and family home.
- 2.4 Allegations against a member of staff who is no longer working should be referred to the police.
- 2.5 Historical allegations of abuse should also be referred to the police.
- 2.6 This policy sets out the process to be followed when an allegation is made and aims to ensure that:
- any such allegation is dealt with very quickly, in a fair and consistent way;
  - it is dealt with in a way that provides effective protection for the child;
  - it is dealt with in a way that provides effective support for any member of staff facing an allegation.
- 2.7 This policy has links with the CYPES Safeguarding Policies and the HR Disciplinary Policy.

### 3.0 Roles and Responsibilities

#### 3.1 All Staff are responsible for

ensuring that they are familiar with this policy and its procedure.

reporting any allegations, or concerns they may have, as defined in 1.1 above to:

their Head teacher, or Designated Safeguarding Lead in School, or if the Youth Service, the Youth Service Safeguarding Officer.

If the allegation is against their Head teacher they should report the concern to the Designated Safeguarding Lead in School (DSL).

If the allegation is against the Principle Youth Officer they should report the concern to the Designated Safeguarding Officer for Education.

Failure to report any concerns or allegations is a serious matter and is likely to result in disciplinary action

#### 3.2 Head teachers (Designated Safeguarding Lead in School (DSL) / are responsible for:

ensuring that they have a good working knowledge and understanding of this policy and its procedure.

ensuring their staff are aware of this policy and its procedure and that it has been discussed in some detail at INSET and Induction.

managing any allegations in line with this policy and its procedure once (the allegation) is brought to their attention.

Implementing any required support interventions for a pupil(s) and staff as required during and upon the conclusion of this allegations process.

#### 3.3 Designated Safeguarding Office for The Education Department (DSOE) and the Youth

##### Service Safeguarding Officer are responsible for:

Overseeing, from start to conclusion, any allegations that are raised.

Advising the head teacher/DSL/Senior Youth Workers in the management of allegations

Being the point of contact between MASH and the Education Department when an allegation is raised.

Ensuring that regular up-dates are provided by MASH in relation to allegations which are being investigated by them, in order to keep the member of staff and head teacher fully informed of progress.

#### 3.4 Human Resources are responsible for

supporting the DSOE, where required, in the management of any allegations that are made in relation to advice relating to disciplinary procedures (including investigations) and suspension.

supporting the accused member of staff, in partnership with the head teacher/DSOE/YSSO.

### 4.0 Recognising and Responding to an Allegation

4.1 The procedure to follow in order to deal with an allegation against a member of staff is set out below.

4.2 There are a number of sources from which a concern or an allegation might arise including those from:  
a child/young person

- a parent or other adult
- a member of the public
- a colleague
- a social worker
- a disciplinary investigation

- 4.3 The person to whom the allegation is first reported should treat the matter seriously and keep an open mind (the belief that it could happen here). They should **not**:
- instigate an investigation
  - make assumptions or offer alternative explanations
  - promise confidentiality, or give assurances that the information will only be shared on a 'need to know' basis.
- 4.4 They should immediately refer the allegation to the Head teacher or Designated Safeguarding Lead in School (DSL)/Youth Service Safeguarding Officer in Youth Service.

**Listings of contact details for Primary and Secondary Schools can be found at:**

<http://www.gov.je/Education/Schools/FindingSchool/Pages/PrimarySchools.aspx>

<http://www.gov.je/Education/Schools/FindingSchool/Pages/SecondarySchools.aspx>

- 4.5 If the allegation is against the Head teacher/DSL/or YSSO, they should refer directly to the Designated Safeguarding Officer for Education.

## **5.0 Initial Action by Head teacher or DSL**

- 5.1 When informed of a concern or allegation, the Head teacher or DSL **should not** investigate the matter or interview the member of staff, child or any potential witnesses. However, they should:

- record any information about times, dates, location of the incident and names of any potential witnesses, and the name of who has disclosed the concern. This should be signed and dated.

- capture these details on the **Record of Allegation**, under the heading - **Initial Gathering of Facts**, attached at **Appendix 2**.

- report the allegation to the Designated Safeguarding Officer for Education (DSOE) as soon as possible.

- 5.2 With the DSOE, the head teacher or DSL must consider the nature, content and context of the allegation. If agreed with the DSOE, that the allegation is not of a safeguarding concern but one of professional conduct, the issue can be managed internally (refer to para 10 below). This decision should be recorded on the Record of Allegation, under the heading - for Initial Gathering of Facts.

- 5.3 All other allegations must be referred to MASH within 24 hours.

- 5.4 If the allegation is received outside of normal working hours and requires immediate action the matter should be referred to:

- a) **Schools** – Out of Hours Social Worker, Contacted via H&SS Switchboard – telephone 442000.

- 5.5 If the allegation is received whilst off Island on a school trip and requires immediate action, initial contact should be made with the Head teacher who should observe the following protocol:

In the event of a child protection incident, accompanying adults **MUST** take practical measures immediately and report it to the named safeguarding & child protection teacher on the trip. They will provide advice and immediate assistance in accordance with the nature of the incident. The teacher will follow school policy regarding communication with the school's designated safeguarding officer. This officer will direct all decisions at this point including advice from MASH regarding contact with any local authorities.

## 6.0 Referral to MASH

- 6.1 MASH should be contact on 519000, or by e-mail: [enquiriesMASH@jeron.je](mailto:enquiriesMASH@jeron.je) and a completed MASH Enquiry Form attached electronically. You can download the electronic MASH Enquiry Form here:  
<http://safeguarding.je/wp-content/uploads/2015/09/MASH-enquiry-form.docx>
- 6.2 On receipt of the referral, MASH will determine the nature, content and context of the allegation and whether it warrants further investigation by them. In some cases it will be necessary to convene a MASH Strategy meeting in order to determine the appropriate course of action. The DSOE and Head teacher would normally attend and in some cases HR may also be invited.
- 6.3 Thereafter MASH will:  
advise whether the nature of the allegation (i.e. Potential safeguarding / child protection / criminal offence) warrants further consideration and investigation by them, **or**  
whether the matter is one of professional misconduct and is therefore needs to be referred back to the Education Department to be managed internally. If the matter is referred back to be managed internally please refer to **para 10.0**.
- 6.4 If the allegation remains with MASH for further consideration and investigation, MASH must ensure that they keep DSOE updated of progress and developments. In this respect, the assigned Case Manager at MASH must ensure that they make at least weekly contact with the DSOE to provide an update. This is especially important with consideration of the academic year and school holidays. The Education Department needs to be able to keep the accused member of staff fully informed of developments, during term time and during holidays. The head teacher, subsequently, also needs to be able to plan and respond to any staff absence, to ensure the timetable and classes are appropriately covered.
- 6.5 Any MASH investigation will normally take priority over an internal investigation, and always in cases where a criminal offence may have been committed.
- 6.6 MASH must communicate the outcome of their investigation to the DSOE and the outcome must be recorded on the **Record of Allegation**, under the heading – **Outcome**.

There are five possible outcomes and these are defined at para 13.0. A copy of the recorded outcome should be given to the member of staff. This outcome must be recorded in addition to any subsequent disciplinary hearing outcome.

- 6.7 Upon the conclusion of any MASH investigation/proceedings, the matter will be referred back to The Education Department, see para 10.0 below. It may be necessary to now instigate an (internal) disciplinary investigation. If this is the case, then the Education Department should liaise with MASH/the Police to obtain copies of interview statements etc. to avoid further interviews of witnesses, particularly if they are children.

## 7.0 Suspension of the Member of Staff

- 7.1 It may be necessary, given the nature and severity of the allegation to suspend a member of staff. Any suspension should be carried out in line with the States of Jersey Disciplinary Policy and reference should be made to this policy and advice sought from HR in this respect.
- 7.2 In line with the States of Jersey Disciplinary Policy, the Director of the Education Department should be informed of and sanction any suspension.
- 7.3 In line with the States of Jersey Disciplinary Policy, other alternatives to suspension should be considered, where appropriate. For example:  
redeployment within the school/Youth Service so that the individual does not have direct contact with the child or children concerned.  
Providing an assistant to be present when the individual has contact with children.  
Temporarily redeploying the member of staff to another role in a different location.

Moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted.

## 8.0 Informing the Parent(s) and/or Child

- 8.1 If the parent(s) of the child is not already aware of the allegation, MASH in consultation with DSOE will advise the Head teacher about when and how to do this and what information can be disclosed. In most circumstances the parent will need to be told straight away. The parent(s) should be helped and supported in understanding the processes involved.
- 8.2 The head teacher should also keep Parent(s) informed about the progress of the case. Parents can be told of the outcome where there is not a criminal prosecution, but in confidence and only that appropriate management action has been/will be taken - no other details should be shared.
- 8.3 Parent(s) should also be made aware of the requirement to maintain confidentiality about any allegations whilst investigations are on-going. See also para 12.0 below regarding Maintaining Confidentiality.

## 9.0 Informing the Accused Member of Staff

- 9.1 The Head teacher should inform the accused member of staff about the allegation as soon as possible after consulting the DSOE and MASH.
- 9.2 It is extremely important that the Head teacher provides the member of staff with as much information as possible at that time. **However**, where a MASH referral has been made, or MASH/other agencies are involved, the Head teacher should not inform the member of staff until MASH/those agencies have been consulted and have agreed what information can be disclosed to the accused, and when.

## 10.0 Managing an Allegation Internally

- 10.1 Where it is clear that an investigation by MASH is unnecessary, or the MASH Strategy Meeting or evaluation decide that an investigation is unnecessary, the matter will be referred back to school/the Education Department to be managed internally.
- 10.2 The DSOE, Head teacher and HR Manager should discuss the next steps and agree a course of action.
- 10.3 The next steps will depend upon the nature and circumstances of the allegation and what evidence has already been established.
- 10.4 Possible next steps may include:
  - formal de-brief between the member of staff (whom the allegation was made against) and the head teacher (and others as appropriate) to consider lessons learnt, approaches to the same situation in the future and professional advice given,
  - disciplinary investigation, which may lead to disciplinary action. If a disciplinary matter the States of Jersey Disciplinary policy will be followed and HR can provide advice.
- 10.5 Whatever the next steps, the final outcome must be determined in keeping with the 5 possible outcomes detailed at para 13.0. This should be recorded on the Record of Allegation, under the heading Outcome.

## 11.0 Supporting those Involved

- 11.1 Employers have a duty of care to their members of staff. The Head teacher, in partnership with the DSOE and HR should act to manage and minimise the likely stress this process may cause to the member of staff.
- 11.2 Support for the member of staff is essential.
- 11.3 In line with para 9.0, the member of staff should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection from MASH (in cases involving MASH).

- 11.4 The individual should be advised to contact their trade union representative or a colleague for support and would be also entitled to the right of representation, by either, at any formal procedural meetings.
- 11.5 The head teacher is responsible for appointing a named representative to keep the member of staff who is the subject of the allegation informed of the progress of the case and ensure they have access to AXA and their support services. They can also make a suggestion to the member of staff to request independent counselling via their GP if appropriate.
- 11.6 Particular care needs to be taken when a member of staff is suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. Advice may need to be taken from the Police in criminal cases.
- 11.7 MASH must agree that at least weekly updates are provided to the DSOE regarding the progress of any allegation. See also para 6.4.
- 11.8 See also para 13.3 for further information about supporting a member of staff in returning to the work place when the allegation outcome is not substantiated.

## 12.0 Maintaining Confidentiality

- 12.1 Every effort must be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered. Information should be restricted to those who have a need to know in order to protect children, facilitate enquiries and manage disciplinary processes.
- 12.2 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 head teacher 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.
- 12.3 In schools with a governing body, the head teacher should inform the governor with responsibility for safeguarding. The DSOE/YSSO should also inform the Education Safeguarding Board.

## 13.0 Investigation Outcomes

- 13.1 The following definitions should be used when determining and recording the outcome of an allegation investigation:
- 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. The term therefore does not imply guilt or innocence.
  - Unfounded:** there is no evidence or proper basis which supports the allegation being made, in some cases the person making the allegation misinterpreted the incident or was mistaken by what they saw.
- 13.2 Please refer to para 17.0 in cases where an individual resign prior to an investigation having commenced or concluded.
- 13.3 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Head teacher, in consultation with the DSOE and HR, should consider how best to facilitate

this. Most people will benefit from some help and support to return to work after a stressful experience and to re-establish their professional confidence.

- 13.4 Depending on the circumstances, a phased return and /or the provision of a mentor to provide assistance and support in the in the short term may be appropriate.
- 13.5 The head teacher should also consider how the member of staff's contact with the child or children who made the allegation can best be managed if they are still a pupil(s) at the school.
- 13.6 Of course, in some circumstances an employee may also return to work, even though the outcome is *substantiated*, this could be for example, in less serious cases of profession misconduct and the same support measures may also need to be considered.
- 13.7 The Head teacher is responsible for implementing/undertaking appropriate interventions to support a pupil(s) and staff, during and upon the conclusion of this allegation process – particularly when the allegation is found to be malicious or false. The Head teacher can seek guidance from the DSOE in this respect if required.

#### 14.0 Allegations Outside of Work / by Association

- 14.1 If an allegation or concern arises about a member of staff outside of their work and this may present a risk of harm to the children they work with, then the general principles of this policy will still apply. The head teacher or DSLS should seek guidance from the DSOE in these circumstances.
- 14.2 As detailed in the 'lessons learned' report into Savile by Kate Lampard QC (2015), if a safeguarding allegation is made against a member of staff 'working' for The Education Department, who is not directly employed by them, the allegation must also be shared with their employer or the body who engaged them at the earliest opportunity and they may need to be involved in dealing with the allegation. In such cases it may be more appropriate for MASH to make contact with the employer but this should be agreed between the Education Department and MASH.  
Other than this, there should be no deviation from the process outlined in this policy until the point if/when the matter is referred back to the Education Department to be managed internally. At this point the matter should be handed over to the direct employer/body who engaged the member of staff.

#### 14.3 By Association

In some cases, an allegation against someone closely associated with a member of staff may present a risk of harm to the children they work with, in such cases the Head teacher or DSLS should seek guidance from DSOE about whether the role of the member of staff is compromised and whether any further action is needed.

#### 15.0 Record Keeping

- 15.1 For all allegations (regardless of the outcome), it is important that a clear and comprehensive summary of the following is recorded, including:
  - the allegation,
  - details of the steps taken to manage the allegation and
  - the outcomeThis can be captured on the **Record of Allegation** and a copy should be given to the member of staff.
- 15.2 Please note that the Record of Allegation will be managed and maintained by the DSOE and upon conclusion will be kept centrally on the HR personal file. Before providing the member of staff with a copy, appropriate 3<sup>rd</sup> party redacting should be done to comply with relevant data protection legislation.

- 15.3 Not only does this ensure good recording keeping in line with best practice, it also enables accurate information to be given in response to any future request for a reference, particularly in relation to any safeguarding questions, which are common place in the Education sector.
- 15.4 It will help prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 15.5 The record should be retained at least until the accused has reached normal pension age, or for a period of 10 years from the date of the allegation if that is longer.

## 16.0 Providing References

- 16.1 Cases in which an allegation outcome was proven to be false, unsubstantiated, unfounded, or malicious should **not** be included in an employer reference.
- 16.2 A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, unfounded, or malicious should also **not** be included in an employer reference.
- 16.3 Any response should be factually accurate (i.e. can be backed up with evidence or examples if need be).

## 17.0 Dismissal or other Reason for Exit/Termination

- 17.1 **Under no circumstances** must a settlement or compromise agreement be entered into with a member of staff who has been dismissed in relation to a safeguarding issue/allegation, or would have been removed had they not left the Education Department. A settlement or compromise agreement would prevent the school or the Education Department from making a DBS barring referral and other complications could also arise from the confidentiality clause contained within such an agreement.
- 17.2 The fact that a person resigns, or ceases to provide their services, where an allegation has been made **must not** prevent the allegation being followed up in accordance with these procedures. It is important that every effort is made to reach and record an outcome in all cases, including in cases where the accused refuses to cooperate with the process.

## 18.0 Duty to Refer – DBS Barring Referrals

- 18.1 If a member of staff is dismissed from regulated activity in relation to a safeguarding issue/allegation, or would have been dismissed had they not resigned, or the employer ceases to use the person's services, it is likely that a Barring Referral must be made to the DBS. In this respect advice should be sought from HR. There is a requirement to make such a referral where it is believed that an individual has engaged in conduct that harmed, or is likely to harm a child, or if the person otherwise poses a risk of harm to a child.
- 18.2 Referrals should be made as soon as possible after the dismissal, resignation or removal of the member of staff.