

St. Theresa's
Catholic Primary School



ST. THERESA'S CATHOLIC PRIMARY SCHOOL

Staff Code of Conduct

“We learn together, we play together, we pray together, we grow together in the love of God”

St. Theresa's
Catholic Primary School



Validation grid

Title	Staff Code of Conduct
Author	Barbara Costa
Associate Author	
Target Audience	Staff
Stake holders consulted	All staff
Curriculum / non curricular	Non curricular
Associated Policies / Documents	Inclusion Policy, Health and Safety Policy, Online Safety Policy, Data Protection Policy Anti-Bullying Policy, Behaviour Policy, Educational Visits Policy, Equality Policy, Staff Handbook, Child Protection and Safeguarding Policy, Attendance Policy, Whistleblowing Policy, Staff Absence Policy, Sickness Absence Policy and Procedure, Teaching, Learning and Assessment Policy, Grievance Policy
New Policy or Review of existing policy.	Review
Date of Submission	September 2020
Date for Review	September 2021
Date ratified by Governors	

Signed..... Barbara Costa

Signed..... Seamus McKenna

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Statement of intent

As a Catholic school, all adults in school are expected to actively follow and live our motto
*"We learn together, we play together, we pray together,
we grow together in the love of God"*

Staff are required to develop and maintain the Catholic character of the school.

Staff must comply with requirements placed on them by their contract of employment, conditions of service, schools' Articles of Government and relevant policies of the school and Barnet (LA).

The Code is supplementary to documents detailing terms and conditions of employment, including statutory provisions, issued at the time of appointment.

All staff employed under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the Teachers' Standards and in relation to this policy, Part 2 of the Teachers' Standards – Personal and Professional Conduct.

St. Theresa's Catholic Primary School expects all of its pupils to receive the highest possible quality of teaching and learning within a positive and respectful environment.

Employees at the school should understand that their own behaviour, and the manner in which they conduct themselves with their colleagues, pupils, parents and other stakeholders, sets an example.

The school recognises that the majority of staff members act appropriately and treat each other with dignity and respect; however, we consider it important to clarify the expected standards.

This document forms part of a staff member's contract of employment and failure to comply with it, and with the associated policies, may result in disciplinary action being taken, including legal action where this is warranted.

This document applies to all staff members who are employed by the school, including the Executive Headteacher.

This document does not apply to:

- Peripatetic staff members who are centrally employed by the LA.
- Catering staff employed by Barnet.
- Employees of external contractors.

These employees are governed by their employment contracts and any relevant laws pertaining to their activities within the school.

1. Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The General Data Protection Regulation
- The Education Act 2002
- The Children Act 1989
- The Working Time Regulations 1998 (as amended)
- Childcare Act 2006
- The Childcare (Disqualification) Regulations 2009
- Sexual Offences Act 2003

This policy also has due regard to statutory guidance, including, but not limited to, the following:

- DfE 'Keeping children safe in education' 2020
- DfE 'Working together to safeguard children' 2018
- Disqualification under the Childcare Act 2006 (2016)

2. Related Policies

This Code of Conduct should be read and adhered to in conjunction with the following policies:

- Child Protection and Safeguarding Policy
- Health and Safety Policy
- Online Safety Policy
- Data Protection Policy
- Equality Policy
- Staff Absence Policy

- Whistleblowing Policy
- Alcohol and Drugs Policy
- Behaviour Policy

3. **Alcohol and Illegal drugs**

Please see Alcohol and Drugs Policy

4. **Appearance and Dress**

The expectations of the Governing Body are that staff members:

- Ensure that their appearance is clean and neat when at work or representing the school.
- Dress in a manner that is appropriate to their role.
- Remember that they are role models for pupils and that their dress and appearance should reflect this.
- Do not dress in a way that would cause embarrassment to pupils, parents, colleagues or other stakeholders.
- Adhere to the Dress Code as outlined in the Staff Handbook.

5. **Attendance**

The expectations are that staff members:

- Attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays.
- Make routine medical and dental appointments outside of their working hours or during holidays, where possible.
- Refer to the Staff Absence Policy if they need time off for any reason other than personal illness.
- Follow the absence reporting procedure when they are absent from work due to illness or injury (as outlined in the Staff Handbook).

6. **Confidentiality**

Where staff have access to confidential information about pupils/students or their parents or carers, staff must not reveal such information except to those colleagues who have a professional role in relation to the pupil/student.

- All staff are likely at some point to witness actions which need to be confidential. This needs to be reported and dealt with in accordance with the appropriate school procedure.
- Staff have an obligation to share with their manager or the school's Designated Senior Officer any information which gives rise to concern about the safety or welfare of a pupil/student. Staff must never promise a pupil/student that they will not act on information that they are told by the pupil/student.

7. **Conduct Outside of Work**

- Staff must not engage in outside work which could seriously damage the reputation and standing of the school or the employee's own reputation, or the reputation of other members of the school community. In particular, criminal offences that involve violence, possession or use of illegal drugs or sexual misconduct are unacceptable.
- Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school. The nature of the work cannot be seen to bring the school into disrepute, nor be at a level which may contravene the working time regulations or affect an individual's work performance.
- Staff must not engage in inappropriate use of social network sites which may bring themselves, the school, school community or employer into disrepute.
- All staff must declare whether there are any changes in their DBS check during their employment at the school by notifying the Executive Headteacher or Head of School immediately.

8. Data Protection and Confidentiality

- Staff members are required, under the General Data Protection Regulation 2018, to collect, maintain and dispose of sensitive or personal data in a responsible manner.
- Staff members should not disclose sensitive information about the school, its employees or the LA to other parties.
- The only exception whereby it is acceptable for a staff member to disclose information which would otherwise be considered confidential is when the confidential information gives rise to concerns about the safety or welfare of a pupil.
- Staff members have the right to request access to data that is held about them. Such requests should be made to the Executive Headteacher or Head of School in writing.
- For further information please see school Data Protection Policy.

9. Declaration of Interests

- Staff members are required to declare their interests, both personal and financial, where the group or organisation they are affiliated with would be considered to be in conflict with the ethos of the school.
- A financial conflict of interest is one where there is or appears to be opportunity for personal financial gain, financial gain for close relatives or friends, or where it may be reasonable for a third party to take the view that financial benefits may affect an individual's actions.
- The term 'financial interest' means anything of monetary value, including:
 - Payments for services
 - Equity interests
 - Intellectual property rights
 - Hospitality or gifts
- Examples of financial interests that must be declared include but are not limited to equity interests in services considered for use by the school.
- Non-financial conflicts of interest can also come into conflict, or be perceived to come into conflict, with an individual's obligations or commitments to the school. These interests may include any benefit or advantage, including but not limited to, direct or indirect enhancement of an individual's career, or gain for immediate family or someone with whom the individual has a close relationship.
- Examples of situations that could give rise to non-financial conflicts of interest include:
 - Pressure or temptation to accept gifts, inducements or hospitality.

- Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the individual has a close personal relationship.
 - Where a member of staff has or develops a close personal relationship with a colleague.
- Membership to a trade union or staff representative group does not need to be declared.
- Staff members should also carefully consider whether they need to declare their relationship with any individual where this might cause a conflict with school activities.
- Failure to make a relevant declaration of interests is a very serious breach of trust and, therefore, if employees are in doubt about a declaration, they are advised to contact the school or trade union.
- All declarations, including nil returns, should be completed every year for inclusion on the Register of Business Interests

10. Financial Inducements

Staff members must:

- Familiarise themselves and comply with the school's Financial Management Policy.
- Declare to the Governing Body, in writing, any gifts received, with the exception of:
 - Low cost, functional items suitable for business rather than personal use and displaying the supplier's logo. These items may be accepted.
 - Gifts offered by parents or pupils to staff to express their gratitude, but staff members should always declare monetary gifts over the value of £30. This does not include donations to the VA fund, which are always accepted. A record of the declarations are kept in the school office.
 - Hospitality in the shape of meals and drinks where it forms part of a normal business meeting.
 - Authorised visits to exhibitions, demonstrations, conferences, business meals and social functions in connection with school matters, which shall be at the school's expense.
- Not accept a personal gift, payment, or other incentive from a business contact. Any such gifts should be returned.
- Declare any gift that cannot be returned to the Governing Body, who will decide how it will be used.

11. Health and Safety

Staff members must:

- Be familiar with and adhere to the Health and Safety Policy, and ensure that they take every action to keep themselves and everyone in the school environment safe and well.
- Comply with Health and Safety regulations and use any safety equipment and protective clothing which is supplied to them.
- Comply with hygiene requirements.
- Comply with accident reporting requirements.
- Inform the Executive Headteacher or Head of School of any paid work which is undertaken elsewhere, for compliance with Working Time Regulations.

12. Honesty and Integrity

At St. Theresa's we will act in a professional manner towards colleagues, irrespective of our relative positions, or status within the school hierarchy.

- ✓ We will communicate with honesty and respect.
- ✓ We will deal with our concerns and disagreements in private.
- ✓ We recognise that we are all accountable for our actions and performance.
- ✓ We will approach issues with colleagues in a way that always seeks to solve potential problems.
- ✓ We will seek to establish a good and open relationship with parents.
- ✓ We will exercise due confidentiality towards sensitive matters involving staff, pupils and parents.
- ✓ We will observe the Staff Dress Code received at the beginning of each academic year.

13. Intimate Care Procedures

If a young child needs the assistance of an adult to change their underwear or remove their underclothes due to wetting themselves or to investigate an injury, it must be done in the presence of another adult.

14. Online Safety

Please see the Online Safety Policy and the Child Protection and Safeguarding Policy.

15. Premises, Equipment and Communication

- School equipment and systems are available only for school-related activities and should not be used for the fulfilment of another job or for personal use, unless specifically authorised by the Executive Headteacher or Head of School.
- Illegal, inappropriate or unacceptable use of school equipment or communication systems may result in disciplinary action and, in serious cases, could lead to an employee's dismissal.
- Employees receiving inappropriate communication or material, or who are unsure about whether something he/she proposes to do might breach this policy, should seek advice from the Executive Headteacher or Head of School.
- The school reserves the right to monitor emails, phone calls, internet activity or document production, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems.
- Communication systems may be accessed when the school suspects that the employee has been misusing systems or facilities, or for the investigation of suspected fraud or other irregularity.
- Passwords should not be shared and access to computer systems must be kept confidential except on the express request of the Executive Headteacher or Head of School. Breach of this confidentiality may be subject to disciplinary action.
- School equipment that is used outside the school premises, for example laptops, should be returned to the school when the employee leaves employment, or if requested to do so by the Executive Headteacher or Head of School.

16. Probity of Records

The deliberate falsification of documents, such as references, academic qualifications or legal documents is unacceptable. Where a staff member falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

17. Professional Behaviour and Conduct

- Staff members are expected to treat other colleagues, pupils, parents, and external contacts with dignity and respect.
- The use of foul and abusive language will not be tolerated.
- Discrimination, bullying, harassment or intimidation, including physical, sexual and verbal abuse, will not be tolerated.
- Staff members must not misuse or misrepresent their position, qualifications or experience, or bring the school into disrepute.
- Staff members must inform the Executive Headteacher or Head of School if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution.

18. Pupil Development

- ❖ Staff must comply with school policies and procedures that support the well-being and development of pupils/students.
- ❖ Staff must co-operate and collaborate with colleagues and with external agencies where necessary to support the development of pupils/students.
- ❖ Staff must follow reasonable instructions that support the development of pupils/students.
- ❖ Interaction with pupils should always be appropriate to their age and gender. Staff should not touch pupils, however casually, in ways or on parts of the body that might be considered indecent or unnecessary. Staff will always be prepared to explain their actions.
- ❖ Staff will not engage in rough play, tickling or fun fights with pupils.
- ❖ Staff must ensure they do not use inappropriate or sexual language in the presence of children.
- ❖ When holding meetings with pupils on sensitive issues, staff should exercise proper professional judgement over the arrangements for the meeting. They should safeguard their own position by, for instance, considering the need for a second adult to be present.
- ❖ Corporal punishment (defined as any intentional application of force as punishment) is illegal and may render a member of staff liable to criminal action as well as action under the school's disciplinary procedures. Corporal punishment includes any form of physical chastisement.
- ❖ Physical intervention will not constitute corporal punishment where its purpose is to avert an immediate danger of injury to, or an immediate danger to the property of, any person including a pupil. In such circumstances, the element of restraint should be the minimum necessary to prevent injury or remove the risk of harm.
- ❖ Where physical contact is necessary (e.g. in teaching PE), that contact should be the minimum necessary for the purpose and comply with accepted good practice. Particular care should be taken in helping pupils with physical or other disabilities (e.g. in lifting).
- ❖ The school has a Health and Safety Policy which staff must follow. There is always staff appropriately trained in its application, and in any event the school always has a First Aider on the premises. For further information please see the school Health and Safety Policy.

- ❖ Staff can only contact pupils via the school's established mechanisms; personal phone numbers, email addresses or social media platforms will not be used to contact pupils.

19. Safeguarding Children

In accordance with "Keeping Children Safe in Education", all staff have a responsibility to safeguard pupils and protect their welfare.

Our expectations are that staff members will:

- Report any safeguarding concerns to the school's Designated Senior Officer for Child Protection.
- Act in an open and transparent way that does not lead to any suspicion about their actions or intent.
- Respect their duty to protect children and young people from harm and to maintain professional boundaries.
- Read and understand the school's policies on child protection and safeguarding, including their obligations to undertake a Disclosure and Barring Service check.
- Immediately notify the Executive Headteacher or Head of School following an incident where a member of staff has reason to believe that their actions may be open to misinterpretation. A written report must be submitted as soon as possible following the incident. The Executive Headteacher or Head of School will then contact the Chair of Governors and if necessary the Local Authority Designated Officer for allegations against staff.
- Sign the Staff Acceptable Use Agreement on an annual basis which outlines the use of mobile phones, emails, cameras, sensitive data etc.

Agreed guidelines on procedures where staff are accused of physical or sexual abuse of pupils are contained in Part four "*Allegations of abuse made against teachers and other staff*" (DfE Keeping Children Safe in Education). See Appendix.

20. Social Networking Websites

- Employees must not access social networking sites for personal use during class time.
- Access to some journals, blogs and social networking sites is permitted during classes for the purposes of undertaking job-related duties only.
- Employees must act in the best interests of the school and not disclose personal data or information about any individual, including staff members, children and young people.
- Staff members should not 'friend' or 'follow' pupils on social networking websites.
- Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made against any individual at the school.

21. Transporting Pupils

When it is necessary to transport pupils off-site, staff will ensure that the transport arrangements of the vehicle meet all legal requirements, they have an appropriate licence, and the vehicle is roadworthy, has a valid MOT certificate and is insured.

Staff will gain consent from parents/carers before transporting pupils, and will be aware that the welfare of all pupils in the vehicle is their responsibility.

22. Use of Reasonable Force

Please see Positive Handling Policy.

Part four: Allegations of abuse made against teachers, and other staff, including supply teachers and volunteers.

Duties as an employer and an employee

211. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or college that provides education for children under 18 years of age, including supply teachers and volunteers 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;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

212. This part of the guidance relates to members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

213. Schools and colleges as employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. Where the school or college are not the employer of an individual they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes supply teachers and volunteers, see paragraphs on supply teachers below). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.

Supply teachers

214. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business (referred to in this section as ‘the agency’).

215. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Governing bodies and proprietors should discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

216. Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children’s social services. The school or college will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant

information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

217. When using an agency, schools and colleges should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Initial considerations

218. The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

219. Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

220. The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

221. The headteacher or principal or (where the headteacher or principal is the subject of an allegation) the chair of governors, or the chair of the management committee or proprietor of an independent school (the 'case manager'), should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

222. The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which

case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

223. The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time.

However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see paragraphs 250-256 for information about suspension).

224. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

225. Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the case manager. In those circumstances, the options open to the school or college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

226. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

227. However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

Supporting those involved

228. Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals 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 by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

229. The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to be taken when employees are 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.

230. Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers 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. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.

231. Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraphs 233-234). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

Confidentiality

233. It is extremely important that when an allegation is made, the school or college make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. 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 restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

234. The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

235. In accordance with the Authorised Professional Practice published by the College of Policing in 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 magistrates’ court to request that reporting restrictions be lifted.)

236. The case manager should take advice from the designated officer(s), police and children’s social care services 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; and
- how to manage press interest if, and when, it should arise.

Managing the situation and exit arrangements

Resignations and ‘settlement agreements’

237. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met - see paragraphs 179-180. Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate - see paragraph 182. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

238. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

239. ‘Settlement agreements’ (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping

240. 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.

241. 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 of time.

242. Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records 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.

243. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

244. Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. See paragraphs 160-163 for further information on references.

Timescales

245. It is in everyone's interest to resolve cases as quickly as possible and is consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

246. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

247. The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners. The designated officer(s) will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the

progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

248. Police forces should also identify officers who will be responsible for:

- liaising with the designated officer(s);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

249. If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Suspension

250. The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

251. Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school or sixth form college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school or sixth form college, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.

252. The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college 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;

- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;
- 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; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

253. These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

254. If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.

255. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

256. Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the designated officer(s) should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Information sharing

257. In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

258. Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

259. Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection

or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

Specific Actions

Following a criminal investigation or a prosecution

260. The police should inform the employer and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the designated officer(s) should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

On conclusion of a case

261. If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff at a school or sixth form college, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

262. There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. See paragraph 179.

263. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some 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 case manager 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 or student at the school or college.

In respect of malicious or unsubstantiated allegations

264. If an allegation is determined to be unsubstantiated or malicious, the designated officer(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil or student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil or student.

Learning lessons

265. At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's or college's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or

not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The designated officer(s) and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

Further information

266. See the College of Policing: Engagement, Communication and Media relations.