



**Ministry
of Defence**

**Directorate Children & Young People
Policy Directive 3.2.2**

**Procedures for Dealing with Allegations
against Staff and Volunteers who work with
Children and Young People in
Service Children's Education (SCE)**

**(Including all Schools, Early Years non-school based settings (0-3), Participation,
Skills and Progression Service (PSPS), Music Centres and HQ SCE)**

Version 2.0 Jul 15

Preface

Authorisation

1. This DCYP Policy Directive has been authorised for use by the SCE management Board on behalf of the Director, Children & Young People.

Coherence with other Policy and Guidance

2. Where applicable, this document contains links to other relevant policies (including JSPs and Other Government Departments), as listed below

Related Policy	Title
DfE Policy	Keeping children safe in education, Statutory guidance for schools and colleges March 2015
British Forces Germany SOBF(G) 3351/3352 Part A Section 7 (SIBFG 3301)	Management of allegations against staff who work with children
British Forces Cyprus	Local Safeguarding Board British Forces Cyprus Procedure for managing allegations against people who work with children

Further Advice and Feedback - Contacts

3. The owner of this DCYP Policy Directive is the Assistant Director (Pupil and Family Services). For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Review Date

4. This Policy Directive will be reviewed in Jul 16.

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This guidance complies with DfE document “Keeping children safe in education, Statutory guidance for schools and colleges” March 2015, which sets out the framework for managing allegations of abuse against people who work with children

www.gov.uk/government/publications

It is essential that this SCE policy is read alongside any Command level procedures for managing allegations against staff/volunteers, eg within BFG, the SIBFG 3301 (Management of allegations against staff and volunteers who work with children); within Cyprus, the Procedure for managing allegations against people who work with children.

Introduction

1. This guidance applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations that might indicate that a person is unsuitable to continue to work with children in his or her present position, or in any capacity. It should be used in all cases in which it is alleged that a person who works with children has:
 - a. Behaved in a way that has harmed a child, or may have harmed a child;
 - b. Possibly committed a criminal offence against or related to a child; or
 - c. Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.
2. These procedures allow for consideration of an adult's behaviour at the earliest opportunity when a concern (i.e. behaviour which is of concern to a manager or employer, identified through the normal employer/employee relationship) or allegation arises and is brought to the manager/employer's attention.
3. The information may be recent or in the past, there is no time limit on safeguarding issues. All such information should be considered in the context of these procedures.
4. The procedures and guidance set out in this document should be used in all cases where it is alleged that any member of SCE staff (e.g teachers, advisory staff, social workers, educational psychologists, managers, Defence Administrative Grades or a volunteer) has behaved inappropriately towards a child as outlined in paragraph 1.1.
5. In relation to staff employed by the Labour Support Unit (LSU) (i.e. dependant staff) schools must follow procedures and guidance as issued by LSU.
6. **This policy applies to all SCE staff (including those for example in schools, music centres, early years settings, Participation, Skills and Progression Service (PSPS) and HQ SCE office). This must be read alongside any Command level arrangements for managing allegations staff or volunteers, eg in any location within N.W Europe this policy has to be read alongside the SIBFG 3301 which applies to that geographical area; in British Forces Cyprus the Procedure for managing allegations against people who work with children.**
7. The line manager for the SCE location, for example the Headteacher (HT), Head of Music Centre, Head of PSPS, Early Years (0-3) Manager will ensure that the SCE flow diagram (Annex A) for dealing with allegations is displayed in that SCE location. All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.
8. The procedure is explained in detail in this guidance, and in summary at Annex 2. The procedure requires all allegations to be reported straight away to the line manager for that location. (The post title between locations will differ, for example head teacher, head of music centre, setting manager etc). For the purposes of these procedures any reference to head teacher should be understood to relate to the line manager for the SCE location. If the allegation involves the HT, then the allegation must be reported directly to Assistant Director, Pupil and Family Services (AD P&FS) or Director of Education (DoE). In all other

cases, the information must be passed to the SCE Safeguarding Manager (SCE SM) or SCE Senior Social Worker (Safeguarding) whose names and contact details are listed at Annex C. They will liaise with each other and the AD P&FS who is the lead for dealing with allegations against staff in HQ SCE. In the absence of the SCE SM and SESW (Safeguarding), the information must be passed directly to AD P&FS.

9. In line with Command level procedures, eg the SIBFG 3301, HQ BFG, will be involved in the management of the allegation. The management involves, for example, convening and chairing allegation related meetings considering the member of staff and/or inter agency investigation of the allegation. Commands vary in terms of local procedure and care must always be taken to clarify these at the outset of an allegation. Specifically in relation to BFG (which includes EJSU) further detail as to the interaction between SCE and HQ BFG is contained within SIBFG 3301 (available on the bfgnet.de/safeguarding and within the SOBF(G) 3351 Chapter 7.)

10. Any information regarding an allegation is considered jointly by the SCE SM/AD P&FS, and location line manager (such as HT) to decide if the case is clearly false or unsubstantiated. If not clearly false then a discussion is held with the Allegations Management Officer (AMO) for North West Europe (as outlined within SIBFG 3301) and with the Soldiers Sailors Airmen Families Association (SSAFA) as relevant in Cyprus and Rest of the World locations. This may lead to a formal strategy discussion under the Safeguarding Board (SB) procedures of the relevant command area.

11. It is vital that any SCE HT or other line manager should not inform the member of staff involved until a strategy for doing so has been agreed with the SCE SM and statutory agencies. Doing so undermines the potential to be able to investigate an allegation in a way that is fair and proportionate.

12. It should be understood that the Ministry of Defence is the employer of all UKBC staff (e.g. teachers) . This is a distinct difference from the UK context where individual schools employ staff. The significance of this difference relates to the responsibilities, carried in the UK, by school governors that do not apply to SCE School Governance Committees. It is also relevant as SCE is a part of the MoD and therefore, should the need arise following investigation, it is the MoD HR (Defence Business Services (DBS)) procedures which are applicable.

13. It should be understood that locally employed staff, such as 'dependent' staff, are employed through other arrangements, e.g. through LSU for staff in N.W Europe. While that member of staff may work in a SCE location their employer will be, for example, the LSU. In that context SCE managers will attend the allegations meetings due to their duty of care to the children in those settings while the LSU will attend in their capacity as 'employer.'

Context

14. There may be up to three strands in the consideration of an allegation:

- a. A Royal Military Police Special Investigation Branch (RMP SIB) investigation of a possible criminal offence. (In NW Europe the SIB are part of the JRT);
- b. Enquiries and assessment by the statutory social care organisation about whether a child is in need of protection or in need of services (by BFSWS JRT in BFG, SSAFA in BFC etc);

c. Consideration by SCE (or other employer such as LSU) of disciplinary action in respect of the individual.

15. In some circumstances SCE will need to consider a case in which normal disciplinary procedures do not apply, and/or may need to act jointly with another organisation, such as LSU. That will be necessary when, for example, an allegation is made against a locally employed member of staff or a volunteer. Although in those cases SCE will not have a direct employment relationship with the individual, the organisation of SCE will either conduct or cooperate in an investigation, and in reaching a decision about whether to continue to use the person's services.

16. HQ BFG, or similar Command level authorities, have a role within the management of allegations. They do not have a role in the disciplinary process, which remains the responsibility of the employer.

17. At the conclusion of an investigation, if an allegation is substantiated and the person dismissed, or if SCE ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Senior Officer will discuss with the line manager, AMO and Defence Business Services (DBS) whether a referral should be made to the Disclosure Barring Service for consideration of inclusion on the barred lists, or to the regulatory body, eg in the case of teachers the National College for Teaching and Leadership (NCTL), to consider prohibiting the individual from teaching. SCE on behalf of the MoD has a legal responsibility to make such a referral when it is thought an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child).

Initial Considerations

18. The procedures need to be applied with common sense and judgement.

19. It is essential that any 'internal' investigation is agreed beforehand, for example within the management of allegations process with HQ BFG or, for other parts of the world outside of N W Europe, with the AD P&FS. This is outlined in Annex B.

20. Line managers can only interview children and staff with prior agreement and as part of an agreed plan of action. Internal in this context means internal to the organisation of SCE and does not automatically mean 'internal' solely to that location or school.

21. In rare cases allegations will be so serious as to require immediate intervention by BFSWS/SSAFA and/or police. Other cases will meet the criteria in paragraph 1 but will be less serious. Although line managers and HTs may believe that an allegation is less serious it is vital to follow the same process.

22. Following procedures is the only way to protect both the child involved and the member of staff. There exists a duty of care to children as well as a duty of care as an employer and it is essential that procedures are followed in order to work effectively with both of these duties.

23. It is important to ensure that information that appears less serious is still followed up professionally, i.e. that the information is taken seriously and discussed with the SCE SM. There is an important distinction between taking an allegation seriously and believing it. Taking an allegation seriously needs staff to follow procedures and does not require, or

imply, believing the allegation. Research and previous public enquiries highlights the importance of this issue. Any investigation is designed to clarify the information.

24. The procedures outlined in this document must be followed in all circumstances.

25. The SCE SM must be informed of all allegations that are made and that appear to meet the criteria in paragraph 1. This enables the SCE SM if necessary to consult the AMO and for appropriate discussions to be had with others which can include RMP SIB and the statutory social care agencies, being the BFSWS, SSAFA as appropriate. The SCE SM should also be informed of any allegations that are made directly to the AMO, RMP or BFSWS, SSAFA or NPFS, by the line manager or head teacher.

26. The line manager or HT will obtain only the basic details of the allegation as the SCE SMs first step will be to discuss the allegation with the HT, and other appropriate staff, to confirm details of the allegation and establish that it is not demonstrably false or unsubstantiated.

27. In some circumstances the school may need to advise parents of an incident involving their child straight away, for example, if the child has been injured while at school or in a school related activity, and requires medical treatment.

28. If the parents/carers of the child concerned are not already aware of the allegation, the SCE SM will discuss with the HT how and by whom they should be informed.

29. Best practice is that an accused member of staff is informed about the allegation as soon as possible after consulting the SCE SM but this should always be agreed during a strategy discussion if one is required. A strategy discussion will consider and agree what information can be disclosed to the person. This is to avoid undermining a potential police investigation. It is also to avoid drifting into a clarification interview with the member of staff without the necessary planning.

30. If the person is a member of a union or professional association s/he should be advised to contact that organisation at the outset. **The person against whom an allegation has been made may be accompanied by a representative of their professional association or trade union at any meetings regarding the allegation, the investigation, or the outcome of the investigation.**

31. If the allegation is not demonstrably false or unsubstantiated, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened.

NB. In these cases the strategy discussion should include a representative of the school (unless there are good reasons not to do that), and take account of any information the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.

32. In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the SCE SM should nevertheless conduct a similar discussion with the AMO, the school, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

NB. The JRT/SIB must be consulted about all cases in which a criminal offence may have been committed.

33. As with any strategy discussion that initial evaluation may not need to be a face to face meeting. That discussion should share available information about the allegation, the child, and the person against whom the allegation has been made, consider whether a police investigation is needed and if so, agree the timing and conduct of that.

34. In cases where a police investigation is necessary, any internal disciplinary processes will need to wait for completion of the police enquiries and/or prosecution.

35. If the allegation is about physical contact, the strategy discussion, or initial evaluation, with the police should take account of the fact that teachers and other school/early years staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including prevention of physical injury to children or adults; serious damage to property; dealing with disruptive behaviour. Guidance is available from the DfE Use of reasonable force in schools, July 2013 and in SCEs policy on Restrictive Physical Intervention, issued May 2013

36. If the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that is the case, the SCE SM should discuss next steps with the HT and AD P&FS.

37. In those circumstances, the next steps are internal to SCE. That does not mean internal solely to the school. HTs remain throughout as line managers but it is essential that the process is informed by the relevant HQ staff both in the Directorate of Children and Young People (DCYP) and also Defence Business Services (DBS). Options that are available where there is no ongoing Police involvement are wide ranging depending on the nature and circumstances of the allegation and the evidence and information available. Examples include taking no further action, implementing a training support plan for the staff member, various minor and major disciplinary outcomes.

38. In some such cases, further enquiries will be needed to enable a decision about how to proceed. If so, the SCE SM should discuss with the HT and AD P&FS how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances, lack of appropriate resource within a school, or the nature or complexity of the allegation will require an independent investigator tasked by the AD P&FS.

Supporting those involved

39. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. This will ordinarily be done by the SCE line manager except where a strategy discussion has reached an alternative decision.

40. Parents should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process.

41. DfE guidance is clear that while the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, the parents or carers of the child involved should be informed of the outcome. In deciding

what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

42. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see below in the paragraph on Confidentiality). If parents or carers wish to have reporting restrictions removed, they should be told to seek legal advice.

43. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, BFSWS/SSAFA/NPFS, or the RMP SIB as appropriate, should consider what support the child or children may need.

44. SCE has a duty of care to its employees. Every effort will be made to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key 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 CRT/JRT/SIB. 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 support through the Employee Well Being Service of Defence Business Services, MOD Welfare, or other independent arrangements.

45. Employees who are working in a SCE setting but employed by another organisation, such as LSU, also have the same rights to their care and welfare. It can be the case that staff employed by LSU may have most of their work related contact with SCE managers, rather than having regular contact with LSU. The employment status of a person should not disadvantage them when considering their rights to and needs for support. Any questions in this area can be discussed at any time with the SCE SM and/or AD P&FS.

46. Throughout any investigation the line manager will name a point of contact for the member of staff so as to keep that person (who is the subject of the allegations) informed of the progress of the case. A regular review of what other support is appropriate for the individual will also be undertaken by the line manager. If the person is suspended, arrangements will also be made to keep the individual informed about developments at their workplace, i.e. school or other SCE setting.

Confidentiality

47. Under Section 13 of the Education Act 2011, where a pupil makes an allegation against a teacher within the same school that a criminal offence may have taken place, it is a criminal offence to publish information that would lead to the identification of that person before they are charged or summonsed. This applies equally to the press and to pupils, parents or staff who may publish information on websites, for example.

48. All information is confidential. Information is shared with other agencies within the professional standards of safeguarding children. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered.

49. UK practice, e.g. practice in England that is informed by the Association of Chief Police Officers (ACPO) guidance, is that 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 might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand).

50. Schools should take advice from SCE Safeguarding Manager; HQ BFG AMO and/or SIB / JRT to agree the following:

- a. Who needs to know and, importantly, exactly what information can be shared;
- b. How to manage speculation, leaks and gossip;
- c. What if any information can be reasonably given to the wider community to reduce speculation; and
- d. How to manage press interest if and when it should arise. Within HQ SCE there is a named point of contact regarding press enquiries being the SO2 Communications, HQ DCYP, Upavon as well as there being specific posts within each command, e.g. linking through Army Secretariat.

Resignations and “Compromise agreements”

51. The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations which concern the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

52. Wherever possible, the person will be given a full opportunity to answer the allegation and make representations about it. This is generally undertaken through a clarification interview. However, the process of recording the allegation and any supporting evidence, as well as reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue even if that opportunity is not possible, for example, if the person 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.

53. On safeguarding issues SCE will not enter into “compromise agreements”, a term used to describe a situation by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference. The statutory duty to make a referral to the Disclosure and Barring Service (who manage the children’s barring list), where circumstances require that, will be adhered to by SCE on behalf of MoD (and Defence Business Services).

Record keeping

54. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached is kept by all in the process. This includes the HT of the person being investigated as well as the SM for HQ SCE. Guidance on record keeping can be found at Annex 4.

55. A central record of all allegations and their outcome will be kept at HQ SCE by the SCE SM, including copies of individual records, for example, those made by the HT, DO or

other SCE manager. A clear recording of the outcome will be placed on a person's confidential personnel file, and a copy of the outcome record is available to the person concerned. Details of allegations that are found to have been malicious should be removed from personnel records.

56. The purpose of the record is to enable future clarity. It enables accurate information to be given in response to any future request for a reference if the person has moved on. It provides accountable evidence in cases where a future DBS check reveals information from the police about an allegation that did not result in a criminal conviction. It protects staff by preventing unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. This acts both as a protection for other children where needed and also as a potential safeguard for the staff member.

57. Central government guidance is explicit that the record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

58. Details of allegations that are found to have been malicious should be removed from personnel records.

References

59. 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.

Timescales

60. It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions under **Suspension** (Paragraphs 67-76) and **Unsubstantiated or Malicious Allegations** (Paragraphs 96-97). The SCE context includes the geographical spread of schools and this affects the availability of HQ SCE staff, other agencies, and professional associations who may have to travel considerable distances to attend meetings and/or interviews. This may affect timescales in individual cases.

Keeping children safe in education 2015 states that it is reasonable to expect that 80% of cases should be resolved within one month, 90% within three months and all but exceptional cases within twelve months.

61. The timescales are not performance indicators. The time taken to investigate and resolve individual cases will always depend on a variety of factors including the nature, seriousness and complexity of the allegation, but they provide useful targets to aim for that are achievable in many cases.

62. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious then it is expected that 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 with the SM. In such cases, if the nature of the allegation does not require formal disciplinary action, the HT should institute 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

63. The SCE Senior Officer (SO) for safeguarding children is AD P&FS who has overall responsibility for the oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Board (LSB) on the subject. If needed the SO will liaise with the relevant Command representative (eg. AMO for BFG in line with SIBFG 3301).

64. The SCE SM is also involved in the management and oversight of individual cases. The SCE SM will provide advice and guidance to other members of SCE staff, in addition to liaising with the police and other agencies, and has a monitoring role regarding 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.

65. The SCE SM will conduct interviews where necessary, together with the line manager or HT, in order to clarify information. These interviews should not be confused with disciplinary interviews. Clarification is important to progress an investigation. Decisions regarding discipline are separate. Should the outcome of the investigation require potential disciplinary measures then that will be dealt with under existing disciplinary procedures.

66. 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 Service Prosecuting Authority (SPA) 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

67. The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegation. In some cases that will require the school to consider suspending the person until the case is resolved. If there is concern about the welfare of other children in the community, or the staff members family, those concerns should be reported to JRT/SIB but suspension is highly unlikely to be justified on the basis of such concerns alone. The need to be able to effectively conduct an investigation will also be taken into account when considering suspension.

68. Suspension should be considered in cases where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by JRT/SIB, or is so serious that it might be grounds for dismissal.

69. The decision to suspend any member of staff on safeguarding grounds will be taken by the employing line manager, for example the head teacher and with the agreement of a member of the HQ SCE management team of at least Assistant Director level.

70. It is essential that all involved understand that suspension is never automatic. The overwhelming majority of cases are investigated and resolved without the use of suspension.

71. Assistant Directors must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved, and will need to seek advice from all appropriate sources. Considerations must be in the context of whether there are ongoing concerns that the member of staff poses a direct risk to children.

72. Based on an assessment of risk, the following alternatives could be considered: for example, redeployment so that the individual does not have direct contact with the child concerned; or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will, however, depend upon the nature of the allegation. Schools should consider the potential permanent professional reputational damage to teachers that can result from suspension where an allegation is later found to be unsubstantiated, false or maliciously intended.

73. Where it is deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. This should be initiated with the advice and guidance of Defence Business Services. The person should be informed at that point who their named contact is within the organisation and provided with their contact details. Decisions regarding the suspension must be clearly recorded.

74. No other organisation, i.e. JRT, SIB, SSAFA, BFSWS, HQ BFG, can require SCE to suspend a member of staff or a volunteer. The power to suspend is vested within SCE as the employing organisation. However, DfE guidance makes clear that where a strategy discussion or initial evaluation concludes that there should be enquiries by a social care agency and/or an investigation by the police then the SM should canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children. Such views should inform the consideration of suspension.

75. SCE cannot require other organisations to suspend an employee, for example only LSU as the employer can suspend a member of LSU staff. However, the SCE line manager does have duty of care for the children and young people in their setting. In this context the SCE manager can refuse to allow an adult in their setting who they believe may pose an unacceptable risk to the children within their care. It is essential to take early and extensive advice from the SCE SM and/or AD P&FS if such disagreements occur between the organisations involved.

76. Arrangements will always be made to safeguard all concerned, whether or not the member of staff continues to have contact with children, during an investigation. This safeguard protects both children and staff members.

Information sharing

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

78. Wherever possible the RMP SIB should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. That should be done as their investigation proceeds rather than after it is concluded. That will enable the RMP SIB to share relevant information without delay at the conclusion of their investigation or any court martial.

79. The statutory social care agency should adopt a similar procedure when making enquiries to determine whether the child, or children, named in the allegation is 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 SCE without delay.

80. The principle of the Children Acts 1989 and 2004 is that the welfare of the child should be at the centre of all considerations.

Action following a criminal investigation or a prosecution

81. The RMP/SIB and Service Prosecuting Authority should inform SCE immediately when a criminal investigation and any subsequent court martial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the AD P&FS should discuss with the line manager or HT whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.

82. The information provided by the JRT/SIB and/or statutory social care agency should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the court martial, as well as the different standard of proof required in disciplinary as against criminal proceedings.

Internal investigations

83. Internal investigations take place where other agencies, e.g. police and social care, do not become or remain involved in an ongoing investigation. **Any internal investigation is internal to the organisation of SCE. The term does not imply solely internal to the school or setting.**

84. All internal investigations need to be agreed between the line manager, SCE SM, and AD P&FS. This agreement will include naming the staff members involved in undertaking any interviews as well as the process for agreeing outcomes.

85. Any member of staff required to attend a clarification interview due to an allegation will always have the choice of having a union representative or other support present. Clarification interviews will be undertaken by two interviewers, for example a HT and SM. One of the interviewers should be trained in safeguarding investigations. Notes of the meeting will be recorded during the interview and a more detailed record written

immediately following an interview. A copy of the written record will be provided to the member of staff.

86. All clarification interviews should be followed by a meeting between the two interviewers to discuss and reflect upon the information from the child, any witnesses and the person subject to the allegation. That discussion should take place as soon as is practicable and will inform further discussions with the AD P&FS (as Senior Officer for safeguarding). Information that is available from other sources, for example medical examinations, will also be considered before and after any interview.

87. Any outcome of an investigation has to be agreed between the HT as line manager and with the AD P&FS. This includes all recommendations of any outcome including no further action as well as an outcome that may include a disciplinary sanction.

88. Where there is disagreement between the line manager and the SM regarding the outcome this disagreement must be communicated to the AD P&FS.

89. The outcome of the investigation must also include agreed wording that will be retained on the investigation file.

90. All terminology should be discussed and agreed as serious confusion can occur. For example an allegation can be substantiated through evidence but the investigation might be inconclusive in terms of reaching a level of proof necessary for formal action to be taken. An example of this may be when physical contact has taken place but where it is unclear about intent.

91. 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:** where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.

92. Any written confirmation of the outcome of an investigation must be agreed beforehand by the AD P&FS.

93. Where there is disagreement between the line manager and AD P&FS regarding the recommended outcome then the decision will be referred to the Director of Education or to MoD Director for Children and Young People, Upavon. No action must be taken individually by any line manager until such disagreements are resolved by the Director of Education and/or DCYP.

Action on conclusion of a case

94. If the allegation is substantiated and the person is dismissed or SCE ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the SCE SM should discuss this with the AD P&FS. The AD P&FS as SO will discuss with Defence Business Services whether to send a report to the Disclosure and Barring Service. That service will then contact the member of staff directly to inform them of any proceedings/outcomes.

95. In cases where it is decided, on the conclusion of the case, that a person who has been suspended can return to work the school should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. A meeting to discuss what support a person may require should be held with the member of staff and their Line Manager. 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 HT should also consider, together with advice from the SCE SM, how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

Learning lessons

96. At the conclusion of a case in which an allegation is substantiated the SCE AD P&FS will task a review of the circumstances of the case to determine whether there are any improvements to be made to the school/setting or HQ SCE'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 the suspension was justified.

Action in respect of unsubstantiated or malicious allegations

97. If an allegation is determined to be false, consideration should be given by line manager and SM as to whether a referral to the statutory social care agency should be made to determine whether the child concerned is in need of services, or may have been abused by someone else.

98. In the rare event that an allegation is shown to have been deliberately invented or malicious, the HT should consider whether any disciplinary action is appropriate against the pupil who made it, or if the person responsible for the referral is an employee, then SCE should consider what action is appropriate with respect to that employee. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997. Further guidance on dealing with false allegations can be found at Annex 5.

References

'Keeping children safe in education' March 2015

'Working together to safeguard children' March 2015

The above documents can be downloaded from:

<http://www.gov.uk/government/publications>

<http://www.bfgnet.de/safeguarding> SOBF(G) 3351, Chapter 7 (SIBFG 3301) Management of allegations against staff who work with children

British Forces Cyprus Procedure for managing allegations against people who work with children

ANNEX A - SCE CONTACTS

All allegations should be reported as soon as possible to the Safeguarding Manager or, if not available, then directly to the Assistant Director (Pupil and Family Services) as Senior Officer for safeguarding:

Key Personnel

Safeguarding Manager Hazel Russell, Safeguarding Manager

Tel: (0049) 5162 9712499 Mil: 76 2499
(wef 01.08.2015 0521 9254 3610)

Mobile: 0172 2000 964

E-mail: SCE-FBL-SWTmLdr-Safeguarding

Senior Education Social Worker Christine Kane, Senior Education Social Worker

(Safeguarding) Tel: (0049) 5162 9712499 Mil: 76 2499
(wef 01.08.2015 0049 5254 982 4904)

Mobile: 0173 8873723

E-mail: SCE-FBL-SSW@mod.uk

Senior Officer Mark Fraser, Assistant Director (Pupil & Family Services)

Tel: (0049) 5254 982 4904
Mobile: 0172 2000 992

E-mail: mark.fraser@scschools.com

HQ BFG Allegations Management Officer
Elaine King

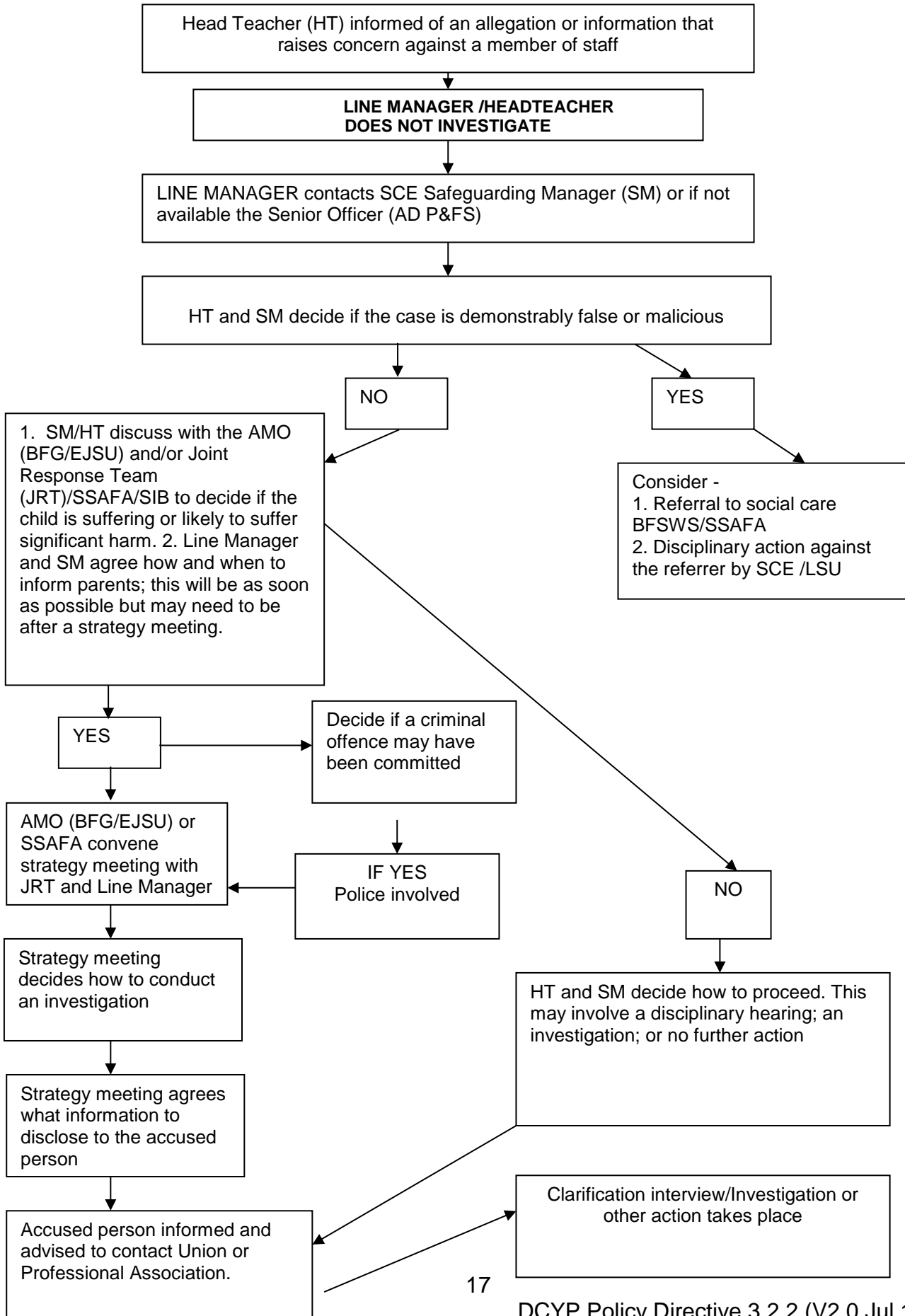
Tel: (0049) 521 9254 2682 Mil: 948 812682
Mobile 01738 873932

DII(F) BFG-HQ-G1-Safeguarding-SO1 @mod.uk

ALL CASES WILL BE DEALT WITH ON THE BASIS OF THE FOLLOWING PRINCIPLES:

- the needs of the child are paramount;
- procedures will be applied with common sense and judgement;
- all allegations will be taken seriously and dealt with objectively involving someone independent of the school;
- there will be no assumption of guilt: everyone involved will be treated with unconditional respect.

ANNEX B - SCE SAFEGUARDING PROCESS SUMMARY FOR BFG, SHAPE, NAPLES, GIBRALTAR, BFC, BRUNEI, FALKLANDS



ANNEX C - SUMMARY OF PROCESS

1. Allegation made to school.

a. The allegation should be reported to the line manager/head teacher (HT) immediately –unless the allegation is about the HT in which case it should be reported to the Assistant Director Pupil and Family Services (AD P&FS), or Director of Education.

b. If the allegation meets any of the criteria set out in paragraph 1.1 of the main document, the HT should report it to the SCE SM and/or AD P&FS the same day.

2. **Allegation made to the RMP or other agency.** If an allegation is made to the police or any other agency then the officer or member of staff who receives it should report it to the SIB with responsibility for child protection without delay. The officer or member of staff should also inform the SCE SM straight away.

3. Initial Consideration

a. The SCE SM will discuss the matter with the line manager / HT and where necessary obtain further details of the allegation and the circumstances in which it was made.

b. NB. The HT should not investigate the allegation at this stage, but obtain only basic information. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unsubstantiated.

c. If the allegation is not patently false, and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the SCE SM will immediately refer to the Allegations Management Officer / statutory social care agencies for that command and ask for a strategy discussion to be convened straight away. In those circumstances the strategy discussion should include the SCE SM and the HT. The HT should inform Defence Business Services.

d. If there is not cause to suspect that “significant harm” is an issue, but a criminal offence might have been committed, the SCE SM should immediately inform the AMO / police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.

4. Action following initial consideration

a. Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be dealt with by SCE. The accused person is entitled to, and will be encouraged to, obtain professional representation at all stages of the investigation if they so wish. In such cases, if the nature of the allegation does not require formal disciplinary action, the HT should institute 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.

b. Where further investigation is required to inform consideration of disciplinary action the HT and Defence Business Support should discuss who will undertake that with the AD P&FS. In some settings and circumstances it may be appropriate for the

disciplinary investigation to be conducted by a person who is independent of the school (see paragraph 9.1). In any case the investigating officer should aim to provide a report to the HT and AD P&FS within 10 working days.

c. On receipt of the report of the disciplinary investigation, the HT and AD P&FS should consult Defence Business Services and decide, within two working days, whether a disciplinary hearing is needed. If a hearing is needed it should be held within 15 working days. DBS should inform the Disclosure and Barring Service if necessary.

d. In any case in which the statutory social care agency has undertaken enquiries to determine whether the child or children are in need of protection, the HT and AD P&FS should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

e. The SCE SM should continue to liaise with the school to monitor progress of the case and provide advice /support when required/requested.

5. Case subject to police investigation

a. If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the prosecuting authority about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than four weeks after the initial action meeting and if the decision is to continue to investigate the allegation dates for subsequent review should be set at that point. (It is open to the RMP to consult the prosecuting authority about the evidence that will need to be obtained in order to charge a person with an offence at any stage).

b. If the decision is not to charge the individual with a criminal offence, or the decision is to administer a caution, or the person is acquitted by a court martial, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to SCE within three working days of the decision. N.B. In any case in which the statutory social care agency has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to SCE.

c. If the person is convicted of an offence the police should also inform SCE straight away so that appropriate action can be taken.

6. Referral to Disclosure and Barring Service

a. If, on conclusion of the case, SCE ceases to use the persons services, or the person ceases to provide his/her services, then a full report must be sent by Defence Business Services to the Disclosure and Barring Service as well as to any command level vetting and barring panel e.g. UKSC. The report must include an assessment of suitability on the member of staff in terms of future work with children and or young people.

b. All reports should be made within one month.

ANNEX D - RECORD KEEPING

It is essential that written records are kept throughout the process of dealing with an allegation against a member of staff.

1. For staff not used to recording information within a child protection context there are some very important guiding principles.

a. Always record the actual words that are used by children and others.

This means where possible to record verbatim, but always as accurately as possible. Do not translate terms into words that you yourself would use in place of any word. This is essential, for example, when children are describing parts of the human body. It is important to record your own understanding of that word, or term, but in an overt way that is separate from the narrative. For example, a sentence in the child's own words would be recorded followed by a sentence that could begin 'by this I understood this to mean...'

b. Fact should be separated out from opinion.

It is important to record opinion and professional judgement as this guides the process; however opinion should be labelled as such. For example, by using the term, 'my personal view is...'. A fact is something that is verifiable such as the length of time a person has been employed or the age of a particular child. An opinion involves interpretation.

c. An event should be recorded both from the perspective of the person giving the information, whether they are a member of staff or a child, as well as from the perspective of the author who is interpreting that information.

For example, the recording of an event that caused fear in a child should not be filtered through the perspective of an adult making the recording, who may not understand why such fear would be triggered. This is important in terms of the wider perspective of that individual child.

d. Appropriate recording of actions should be kept in all instances, even when the allegation is apparently inaccurate.

An example would be when an allegation is made against a member of staff who may not have been in school on the day in question. Disclosures from children are not always factually accurate, for example young children can be confused about days of the week. In addition children may disclose experiences in a gradual way, describing events that are happening to them but confusing other details. It is the responsibility of the statutory social care agencies to investigate such situations and the recording of such disclosures is vital both in terms of the information contained and also as part of the unfolding process for a child to feel that they are being listened to.

2. Where a pupil has made an allegation, a copy of the child's statement, or record of it, must be kept on the part of the pupil's personal file which is confidential, together with a

written record of the outcome of the investigation. The retention of the file should be in accordance with the Agency's procedures regarding school files.

3. If there are criminal or civil proceedings, records may be subject to disclosure. Therefore the appropriate reassurance is that all records will be dealt with in accordance with professional levels of confidentiality.

ANNEX 5 - FALSE ALLEGATIONS

1. Where, following consultation, it is believed that the allegation is without foundation, the Head Teacher or line manager should:

- a. Refer to the appropriate statutory social care agency for consideration as to whether the child might have been harmed by someone else;
- b. Inform the employee at a formal meeting that no further action is to be taken under disciplinary or child protection procedures (the employee may be accompanied by a union representative or other appropriate support);
- c. Consider whether supports, counselling and/or informal professional advice, for the employee is appropriate and the form this should take;
- d. Verbally inform the parents of the child/children of the allegation and the outcome, and confirm in writing as soon as practicable;
- e. Consider appropriate counselling and support for the child/children and parents particularly where a false allegation has been made;
- f. Prepare a report embodying (a) to (e) as soon as practicable. This is to be copied to the employee, recording that the allegation is without foundation.
- g. Details of allegations that are found to have been malicious should be removed from personnel records.
- h. References. Cases in which an allegation was proven to unsubstantiated, false or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, false, or malicious should also not be included in any reference.