



# **HANDLING ALLEGATIONS AGAINST SCHOOL STAFF**

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# Contents

Section 1      Introduction

Section 2      2.1    Scope  
                  2.2    Core Principles

Section 3      3.1    Suspension  
                  3.2    Informal Stage  
                  3.3    Formal Investigation

Section 4      4.1    Link to Other Procedures  
                  4.2    Unfounded and Malicious Allegations

Handling Allegations Against School Staff Process Flowchart

## Section 1 Introduction

School staff are in a position of trust and have a duty to safeguard the children entrusted to their care. Occasionally, however, a member of school staff will be accused of improper conduct and when this arises, there is a requirement to reconcile the need to adopt a cautious approach in the interests of safeguarding children and the need to protect the rights and livelihoods of those who work with children. Whilst it is acknowledged that this can be difficult, effective management of such allegations plays a critical role in ensuring that those who work with children are safe to do so and that those subject to the claims are treated fairly and supported.

Allegations against staff in schools can come from a range of sources - members of the public, other staff, parents, or other relatives of pupils. All allegations, regardless of the source, will be treated seriously, investigated quickly, and handled fairly and carefully to minimise disruption and the impact upon everyone involved. Allegations will be handled under the appropriate procedure, as identified in Section 2.1 Scope.

It is important to note that, where required, child protection and criminal investigation procedures will take precedence over this procedure.

It is recognised that staff working in schools are in a vulnerable position and allegations may be motivated by a deliberate desire to exploit this based on resentment or a malicious intent. Where investigations suggest that this is the case, appropriate action will be taken.

## Section 2.1 Scope

This procedure applies to all employees of Aberdeen City Council who are deployed within schools.

This procedure will be applied to all allegations against school-based staff received from pupils and members of the public only. Any allegations raised by a colleague will be progressed under the appropriate Council procedure (Disciplinary, Grievance, or Dignity and Respect at Work).

An investigation undertaken as part of this procedure may feed into other Council procedures, for example the Disciplinary, Dignity and Respect at Work, GTCS Code of Competence/Managing Performance or other procedures as deemed appropriate.

This procedure helps the Council to meet its safeguarding responsibilities, as set in Government publications ***Working Together to Safeguard Children*** and ***Safeguarding Children and Safer Recruitment in Education***.

## Section 2.2 Core Principles

- 1 Notwithstanding our duty to safeguard children, an employee who is the subject of allegations should be treated according to acknowledged principles of justice and should be regarded as innocent until proven guilty.
- 2 All allegations will be treated seriously and will be investigated in accordance with this document.
- 3 All matters will be dealt with promptly and in confidence.

- 4 The employee against whom the allegation(s) has been made should be informed of the details of the allegation(s) as soon as sufficient information is available.
- 5 Employees will be offered the opportunity to be represented by a trade union representative or colleague at any investigation meetings. The employee will not normally be permitted to be accompanied by a legal practitioner, partner, spouse, or family member.
- 6 In all cases school management need to be aware of the responsibility to demonstrate the Council's commitment to meeting its general duty of care and to promoting an environment that safeguards the health and welfare of staff and pupils.
- 7 Where the complainant remains dissatisfied with the response, he/she receives regarding cases of Service failure or maladministration, he/she has recourse to the Scottish Public Services Ombudsman.

## **Section 3.1 Suspension**

- 1 Suspension must not be used as an automatic response to allegations. The merits of suspension need to be carefully considered and alternatives to suspension used where this is appropriate following a risk assessment.
- 2 Where it is considered necessary, an employee may be suspended whilst the investigation and any subsequent action is undertaken. A suspension is not an assumption of guilt. Any Head Teacher who considers that the nature of the allegations would make a period of suspension appropriate to protect any individual involved must seek the advice of the designated manager within the Education Service, and a People and Organisational Development Advisor, prior to suspending the employee. If this is not possible due to unavailability or the need to act instantly, then the suspension should not be delayed, provided there are reasonable grounds for the suspension and the manager and a People and Organisational Development Advisor are contacted as soon as possible thereafter.
- 3 Any suspension will be reviewed on a regular basis to ensure that it is not unnecessarily protracted.
- 4 The suspension will be confirmed in writing.
- 5 In some circumstances it might be more appropriate to remove the member of staff against whom the allegation(s) has been made from some of his/her duties. In such circumstances it may be more appropriate to allocate alternative duties, either within the school or in a central office, rather than to suspend.

## **Section 3.2 Informal Stage**

- 1 As detailed in the Core Principles, all allegations will be investigated.
- 2 Before progressing to a formal investigation, school managers should approach the member of staff informally to seek a response to the allegation(s).
- 3 In cases where the response at the informal stage fails to appropriately address the complaint, or where the nature of the allegation(s) is such that an informal stage would be inappropriate, a formal investigation will be instigated.

## Section 3.3 Formal Investigation

Formal investigations will be conducted in accordance with the Council's Investigations Procedure which is shown under the link below.

### Investigations Procedure

## Section 4.1 Links to Other Procedures

Where the Investigating Officer finds the allegation(s) to be substantiated, s/he will recommend that the matter is addressed under the appropriate procedure, for example Disciplinary, Managing Performance, GTCS Code of Practice on Teacher Competence or Supporting Attendance and Wellbeing.

The Investigation Report will form the basis of the evidence for a hearing, and in many cases there will be no requirement for a further investigation to take place. However, it may be appropriate in some cases (for example where concerns regarding performance or competence have arisen), for further investigation to be undertaken.

## Section 4.2 Unfounded and Malicious Allegations

- 1 In cases where the employee has been exonerated, a debriefing meeting should be held to advise the employee of this and to discuss how any necessary support may be given. This should include agreeing with the individual concerned the most appropriate way of communicating the outcome of the investigation to those who are aware of the allegation(s).
- 2 Where it is reasonable to conclude that the allegation(s) was made with malicious intent, and where this can be established on the part of a pupil, appropriate disciplinary action should be taken against the pupil. It is essential that there is clear evidence to support this action, and any action taken must be appropriate to the incident and to the pupil's age and understanding.
- 3 Where an allegation which is determined to be malicious has been made by a parent or member of the public, advice may be sought from the Council's Legal Service on appropriate action.

## Handling Allegations – Process

