



Ministry
of Defence

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

**Allegations Against Staff and Volunteers who
work in MOD Schools and settings overseas**

(including overseas Schools, Early Years non-school based settings (0-3), King's Vocational Hub (KVH)/Participation, Skills and Progression Service (PSPS), Music Centres, Targetted Services and HQ SCE)

Version 2

Dec 2016

Preface

Authorisation

1. This DCYP Policy Directive has been authorised for use by the Director, Children & Young People.

Coherence with other Policy and Guidance

1. Under JSP 834 all overseas organisations that provide services for children are to have in place procedures for managing and handling allegations against staff or volunteers. This directive is compliant with the guidance in the Department for Education Keeping Children Safe in Education.

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

Related Policy and/or Documents	Title
DfE Policy	Keeping Children Safe in Education. Statutory Guidance for Schools and Colleges
JSP 763	Bullying, Harassment and Complaints
JSP 834	Safeguarding Service Children and Young People
Civilian HR	MOD misconduct policy
MOD How to:	How to assess the level misconduct version 2 Mar 2014 Misconduct: How to Investigate a Misconduct Case Misconduct: How to Hold a Formal Misconduct Meeting Misconduct: How to Investigate a Misconduct Case
Civilian HR Arrests and Convictions	DBS Handling Arrests Charges Criminal convictions and Police Cautions
British Forces Cyprus	Local Safeguarding Board British Forces Cyprus Procedure for managing allegations against people who work with children
British Forces Germany SOBF(G) 3351/3352 Part A Section 7 (SIBFG 3301)	Management of allegations against staff who work with children
Annex A Annex B Annex C Annex D	Flow chart of process Roles and responsibilities Record Keeping False Allegations

Further Advice and Feedback - Contacts

3. The owner of this DCYP Policy Directive is Head Targeted 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 Aug 18.

Contents

Preface	1
Authorisation	1
Coherence with other Policy and Guidance	1
Further Advice and Feedback - Contacts	1
Review Date	2
Contents	2
1. Introduction.....	3
Scope.....	3
2. Procedure.....	3
Principles	3
Overview	4
3. Guidance	4
Initial reporting	4
Initial Considerations	5
Informing and supporting those involved - Staff	5
Informing and supporting those involved - Parents	6
Investigation and Timescales	6
Resignations and 'settlement' agreements	9
Confidentiality.....	10
Record keeping.....	10
Suspension	11
Information sharing	12
Unsubstantiated or malicious allegations	13
Referral to Disclosure and Barring Service	13
Learning lessons	13

1. Introduction

5. This directive 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. 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 to children.

6. It is essential that any allegation of abuse made against a member of staff or volunteer is dealt with 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.

Scope

7. This policy is applicable to all personnel working in overseas MOD Schools¹ including teachers, advisory staff, social workers, educational psychologists, managers, defence administrative grades and volunteers.

8. Queen Victoria School has a separate allegations against staff procedures in line with the National Guidance for Child Protection in Scotland.

9. Locally engaged civilian (LEC) staff. Any allegations against staff must be reported by the school to the LEC employer for them to deal with.

10. Historical allegations. There are no time limits on safeguarding issues, information may be recent or in the past.

11. A list of roles and responsibilities is at Annex B to this document.

2. Procedure

Principles

12. All cases will be dealt with on the basis of the following principles:

- a. the needs of the child are paramount;
- b. procedures will be applied with common sense and judgement;

¹ The terms MOD Schools and Service Children's Education (SCE) are interchangeable. SCE is to be renamed MOD Schools.

- c. all allegations will be taken seriously and dealt with objectively involving someone independent of the school;
- d. there will be no assumption of guilt: everyone involved will be treated with unconditional respect.

Overview

13. An overview of the procedure is outlined in the flow chart in Annex A and in the paragraphs below. A list of roles and responsibilities is at Annex B. Detailed guidance is given in Chapter 3 Guidance.

14. The procedure comprises of the following steps:

- a. **Initial reporting**
- b. **Initial considerations**
- c. **Informing those involved**
- d. **The investigation**

Investigations may have up to three strands:

(1) A Royal Military Police Special Investigation Branch (RMP SIB) investigation of a possible criminal offence;

(2) Enquiries and assessment by the statutory social care organisation about whether a child is in need of protection or in need of services;

(3) Misconduct action in respect of the individual in accordance with DBS procedures and is the Line Manager responsibility. (LEC staff will be subject to LEC procedures although the school will cooperate in any investigation and in reaching a decision about whether to continue to use the person's services). In cases where a police investigation is necessary, any misconduct proceedings will have to wait until police investigations/prosecution are concluded.

- e. **The outcome**

3. Guidance

Initial reporting

15. Once an incident or concern is reported to a member of staff, that member of staff must inform the Head Teacher (HT). The HT must contact the Safeguarding Manager (SM) for guidance as soon as possible. The HT must not initiate an investigation without prior consultation with the SM. If the allegation involves the HT, then the allegation must be reported directly to the Senior Principal MOD Schools who will inform the SM.

16. In exceptionally rare cases allegations will be so serious as to require immediate intervention by social care agencies and the police. The needs of the child are paramount,

therefore the HT should immediately refer to the statutory social care agency/police for that command area, informing the SM as soon as possible afterwards.

17. **It is vital that any HT, LM or other member of staff should not inform the member of staff involved until the SM has been consulted. To do so has the potential to undermine any possible criminal investigation.** The SM can give essential guidance and consistency to ensure procedures are followed. The HT may believe the situation will not require social care or police involvement, however, they are still required to inform the SM.

Initial Considerations

18. **Following the 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, no matter how serious the allegation the same process must be followed. 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.

19. The HT will undertake only initial fact finding in order to determine the details of the allegation and to establish that it is not demonstrably false or unsubstantiated. It is very important that the HT should not investigate the allegation at this stage. In discussion with the SM, the next steps will be agreed.

20. 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. That will require referral to the Allegations Management Officer (AMO) (Germany and Cyprus); in other areas liaison will be required with the local Safeguarding Children Board or Committee to agree a suitable person to fulfil the role.

21. For UKBC employees the HT should consult DBS as soon as possible to decide if misconduct procedures should be initiated. This may be in addition but separate to any police or social care investigation. Where the strategy meeting has concluded that a police or social care investigation is NOT required, misconduct proceedings may be the only action following an allegation. For volunteers, misconduct proceedings do not apply, but the HT retains the right to cease the services of the volunteer. If the volunteer is a serving person, the relevant Chain of Command should be informed through the AMO process.

Informing and supporting those involved - Staff

22. It is vital that any HT, LM or other member of staff does not inform the member of staff involved until a strategy for doing so has been agreed with the SM and statutory agencies. Doing so undermines the potential to be able to investigate an allegation in a way that is fair and proportionate. 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 social care or the police.

23. 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 an investigative interview with the member of staff without the necessary planning.

24. MOD Schools has a duty of care to its employees. Every effort will be made to manage and minimise the stress inherent in the allegations and misconduct process. Support for the individual is key to fulfilling this duty. 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. They should also be given access to welfare support through the Employee Wellbeing Service of Defence Business Services, MOD Welfare, or other independent arrangements as well as the support routinely provided by line management and unions.

25. Employees who are working in an MOD School setting but employed by another organisation, such as an LEC employer, also have the same rights to their care and welfare. It can be the case that staff employed by the LEC employer may have most of their work related contact with school managers, rather than having regular contact with the LEC employer. The employment status of a person should not disadvantage them when considering their rights to and needs for support.

Informing and supporting those involved - Parents

26. 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.

27. If the parents/carers of the child concerned are not already aware of the allegation, they should be informed as soon as possible. However, where a strategy discussion is required, or police or social care need to be involved, then they should not be informed until a strategy is agreed.

28. Parents/carers should also be kept informed about the progress of a case and the outcome where there is not a criminal prosecution, including the outcome of any misconduct process. The deliberations of a misconduct decision meeting, and the information taken into account in reaching a decision, cannot normally be disclosed, but parents/carers should be told the outcome in confidence. 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.

29. 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 paragraph 163). If parents or carers wish to have reporting restrictions removed, they should be told to seek legal advice.

Investigation and Timescales

30. Depending on which of the investigation strands in paragraph 14d are to be followed will dictate the investigation process. The AMO, or equivalent, will coordinate the process of joint investigations involving the police and social care. The LM is responsible for misconduct investigations.

31. **Criminal investigations** will be led by the police. 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.

a. Wherever possible a 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 police 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). The police and Service Prosecuting Authority should inform MOD Schools immediately when a criminal investigation is complete as well as any decision to prosecute; as well as when 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.

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 misconduct case to MOD Schools without delay.

32. **Social Care Investigations.** Cases in which social care 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 misconduct case should also be passed to the HT without delay.

33. The MOD misconduct process for UKBC staff may need to wait for completion of the police enquiries and/or prosecution and will follow DBS procedures. However, such decisions are on a case by case basis. Suspension or placing the employee on restricted/adjusted duties should always be considered. See details under suspension section for further guidance.

34. **Misconduct Action.** HTs are to seek guidance from DBS as soon as possible. If the allegation is such that the strategy meeting has concluded that an investigation by police and/or enquiries by social care are not necessary, the HT can still carry out a misconduct action. If police and/or social care carrying out investigations a HT can carry out a misconduct action at the same time unless the police inform the HT otherwise. Principal MOD Schools and the Head Targetted Services **must** be informed of all misconduct investigations relating to any safeguarding allegation.

a. See DBS guides on:

- (1) [How to assess the level of misconduct](#)
- (2) [Misconduct: How to Investigate a Misconduct Case](#)
- (3) [Misconduct: How to Hold a Formal Misconduct Meeting](#)
- (4) [Misconduct: How to Investigate a Misconduct Case](#)

35. Options that are available are wide ranging depending on the nature and circumstances of the allegation and the evidence and information available.

36. If a misconduct decision meeting is required and can be held without further investigation, the hearing should be held within fifteen working days.
37. 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. See also para 79.
38. If the nature of the allegation does not require formal misconduct action, the HT should institute appropriate action within three working days.
39. In any case in which statutory social care has undertaken enquiries to determine whether the child or children are in need of protection, the HT should take account of any relevant information obtained in the course of those enquiries when considering misconduct action.
40. In some cases, further enquiries will be needed to enable a decision about how to proceed, these are deemed internal MOD School investigations, not solely the individual school or setting.
41. **Further Investigations** can form part of the misconduct action, even if it is to establish whether or not formal misconduct action is to be followed. They must be agreed between DBS, the HT and SM. The HT will appoint an Investigation Officer, any interviews required will be identified and any staff members involved in undertaking interviews will be named. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances, such as a lack of appropriate resource within a school, or the nature or complexity of the allegation will require an independent investigation manager identified jointly by the HT and DBS. The process for agreeing outcomes must be identified prior to the internal investigation.
42. **Investigation meeting.** Any member of staff required to attend an investigation meeting due to an allegation will always have the choice of having a union representative or other support present. Investigation meetings including those with children will be undertaken by two interviewers, 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. When a member of staff is interviewed a copy of the written record will be provided to them. See para 63 and Annex C on record keeping.
43. All 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. Information that is available from other sources, for example medical examinations, will also be considered before and after any interview.
44. When further enquiries are required then the timescale will need to be an appropriate balance between timeliness and thoroughness. In any case the investigating officer should aim to provide a report to the HT within ten working days with the findings of the further enquiries.
45. On receipt of the findings from any further enquiries the HT, as line manager, and Deciding Manager will agree on an outcome using the following categories:

- a. **Substantiated:** there is sufficient evidence to prove the allegation and DBS misconduct is to be followed.
- b. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- c. **False:** there is sufficient evidence to disprove the allegation.
- d. **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- e. **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.

46. 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.

47. The HT should consult DBS and decide, within two working days, whether a misconduct hearing is needed. If a decision meeting is needed it should be held within fifteen working days. DBS/MOD Schools should inform the Disclosure and Barring Service if necessary.

48. Where an investigation leads to a formal misconduct process then the decision meeting will be in line with expectations of the MOD HR guidance and best practice.

49. 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. The context includes the geographical spread of schools and this affects the availability of HQ DCYP 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.

50. Keeping children safe in education 2016 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 12 months.

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

Resignations and 'settlement' agreements

52. 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. Wherever possible, the person will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and

any supporting evidence, as well as reaching a judgement, should continue even if the person does not cooperate or makes themselves unavailable. It may be difficult to reach a conclusion in those circumstances, however the misconduct procedures must be followed and concluded, even if a person's period of notice expires before the process is complete.

53. 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.

54. On safeguarding issues the MOD will not enter into "settlement agreements", a term used to describe a situation by which a person agrees to resign, the employer agrees not to pursue misconduct action, and both parties agree a form of words to be used in any future reference.

Confidentiality

55. 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.

56. 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 for example on social networking sites.

57. Schools should take advice through the allegations management process and from SM 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. [SO2 Communications](#), HQ DCYP must be consulted and will liaise with command area and other Secretariats.

Record keeping

58. 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 on the personnel file of the accused and a copy provided to the person concerned.

59. Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references and should be removed from personnel records.

60. 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.

61. All personnel involved in the process should keep a written record of conversations, interviews and actions. All entries on the record should be dated, include the names of those involved and the location. Guidance on record keeping can be found at Annex D.

62. A central record of all allegations and their outcome will be kept by the SM, including any relevant information obtained during fact finding or through investigation.

63. HTs maintain any necessary school specific records.

64. 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.

Suspension

65. 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. Alternative duties and/or suspension should be considered in cases where there is cause to suspect a child is at risk of significant harm or is so serious that it might be grounds for dismissal.

66. The need to be able to effectively conduct an investigation will be taken into account along with concerns about the welfare of other children in the community, or the staff members family. Consideration of a move to alternative duties should always be considered before any decision is taken to suspend.

67. The decision to suspend any member of staff on safeguarding grounds will be taken by the employing LM, for example the HT and with the agreement Principal MOD Schools. It 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; DBS advice should also always be sought prior to suspending an employee of the MOD. Considerations must be in the context of whether there are on-going concerns that the member of staff poses a direct risk to children

68. 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.

69. 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 mitigates 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.

70. 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 of a named contact within the organisation, ideally within their own senior leadership team, and provided with their contact details. Decisions regarding the suspension must be clearly recorded.

71. No other organisation can require MOD Schools to suspend a member of staff or a volunteer. The power to suspend is vested within the MOD 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.

72. MOD Schools cannot require other organisations to suspend an employee. However, the MOD Schools HT does have duty of care for the children and young people in their setting. In this context the HT 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 SM if such disagreements occur between the organisations involved. Close liaison between the LEC employer and HT is expected.

73. 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 return. 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 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.

Information sharing

74. 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.

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

76. 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 misconduct case can be passed to the HT without delay.

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

Unsubstantiated or malicious allegations

78. 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. Further guidance is at Annex D.

79. In the rare event that an allegation is shown to have been deliberately invented or malicious, the HT should consider whether any action is appropriate against the pupil who made it, or if the person responsible for the referral is an employee, then the HT 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.

Referral to Disclosure and Barring Service

80. The MOD has a legal responsibility to make a referral to the Disclosure Barring Service for consideration of inclusion on the barred lists, or to the regulatory body, e.g. in the case of teachers the National College for Teaching and Leadership (NCTL), to consider prohibiting the individual from teaching 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.

81. At the conclusion of an investigation, if an allegation is substantiated and the person dismissed then a full report must be sent by Defence Business Services to the Disclosure and Barring Service, any regulatory bodies and to any command level vetting and barring panel. The report must include an assessment of suitability on the member of staff in terms of future work with children and or young people.

82. If, on conclusion of the case, the MOD ceases to use the persons services, or the person resigns or otherwise ceases to provide his or her services, the Head of Targetted Services will discuss with the HT and Defence Business Services whether a referral should be made to the Disclosure Barring Service for consideration of inclusion on the barred lists, or to the regulatory body.

83. All reports should be made within one month.

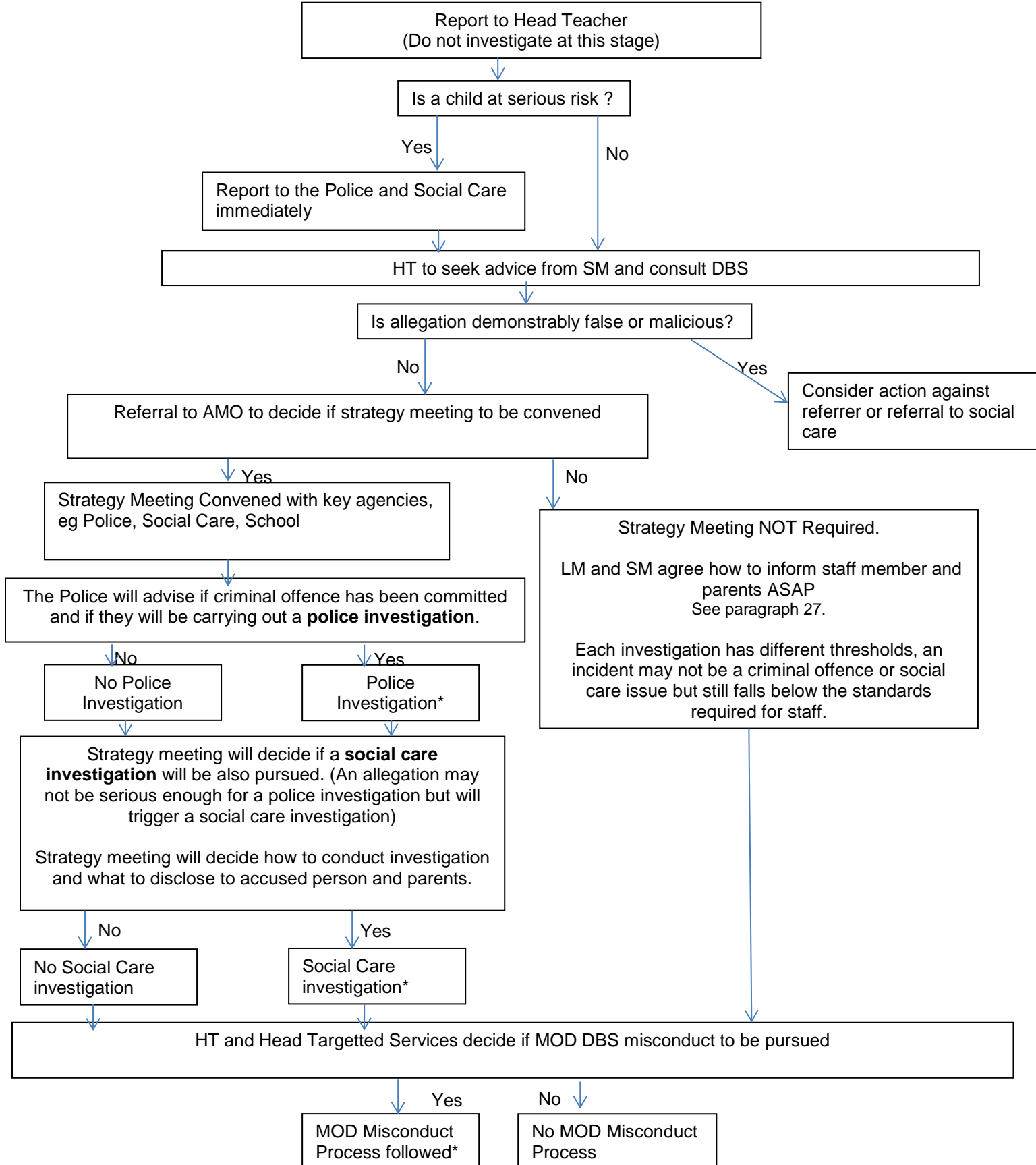
Learning lessons

84. At the conclusion of a case in which an allegation is substantiated the Head of Targetted Services may task a review of the circumstances of the case to determine whether there are any improvements to be made to the school/setting or MOD School's procedures or practice to help prevent similar events in the future. This review will be automatic where a member of staff has been suspended in order to review the circumstances, e.g. the duration of the suspension and whether or not the suspension was justified.

Annex A DCYP Allegations against Staff Flow Chart

- Incident reported to or witnessed by a member of staff that an adult 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 to children.

You do not need to believe an allegation to report it. All incidents MUST be reported.



*Investigations may occur concurrently see paragraph 35

Roles and Responsibilities

1. **The member of staff with the concern or to whom the allegation is first reported.** They must report to the Head Teacher. All allegations, no matter how serious, must follow the same process. Taking an allegation seriously does not require, or imply, believing the allegation.
2. **Line Manager (LM).** Must report to the Head Teacher regarding any allegation and follow this policy directive.
3. **Head Teacher (HT).** Must ensure all staff have access to this policy. Once any member of staff informs the HT of an allegation the HT is to contact the SM and DBS. The HT is to read this directive in full and follow the procedure. The HT must have discussions with the SM regards informing those involved prior to speaking with them.
4. **SCE Safeguarding Manager (SM)** must be consulted in all cases for advice and guidance. The SM and HT will decide who contacts in country Allegations Management Officer or the Local Safeguarding Children's Board named person. In situations where there is no specified in country AMO or LCSB named person the SM is to ensure a suitable person is identified.
5. **Head Targeted Services** is the overall policy owner responsible for the process who can also be consulted for advice and guidance in the absence of SM.
6. **AD Safeguarding** is DCYP post holder with oversight of safeguarding issues across all MOD organisations.
7. **Children's social care.** The relevant in country provider of social care (For BFG Core Assets, for Cyprus and Rest of the World it is SSAFA) are responsible for enquiries and assessment about whether a child is in need of protection or in need of services.
8. **Police.** The Royal Military Police Special Investigation Branch RMP (SIB) will investigate if a possible criminal offence has been committed.
9. **Central Referral Team (CRT).** ESJU and BFG have a CRT which joins together children's social care and RMP SIB.
10. **Allegations Management Officer (AMO).** BFG and EJSU have a permanent AMO post which deals with allegations regarding children from any MOD department. In countries which do not have a permanent AMO the LCSB must appoint a senior person, if this does not exist the MOD SM will liaise with organisations to ensure a suitable person is identified.

11. **Defence Business Support (DBS)** The HT must seek advice from DBS Civilian Personnel on 93345 7772 (mil), 0800 345 7772 (external) or +44 1225 747772 (Overseas) as soon as an allegation has been made. DBS will provide assistance in following the Misconduct procedure.

12. **Locally Engaged Civilian employers** are responsible for LEC staff misconduct procedures.

13. **Command Procedures.** Command procedures will not have a role in any misconduct process which remains within MOD Schools/DBS.

RECORD KEEPING

1. It is essential that written records are kept throughout the process of dealing with an allegation against a member of staff.
2. 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.

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 misconduct 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.