



# Managing the Aftermath of Unfounded and Unsubstantiated Allegations

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## **1. Context**

This guidance is intended to supplement the guidance contained in the Joint National Employers Organisation for School Teachers (NEOST)/ Teacher union document “Education Staff and Child Protection: Staff Facing an Allegation of Abuse”. The guidance is aimed primarily at LEA officers to advise Headteachers, Governors and managers who are faced with a child protection allegation against a member of staff.

When teachers (<sup>1</sup>or other education personnel) have been subject to false allegations, the whole school community can be left shocked and traumatised, potentially faced with the dilemma as to what action to take with the complainant.

It is important, however, to distinguish between those allegations, which, whilst demonstrably false, are not made with deliberate intent to cause harm and those which are malicious. Such allegations might include incidents where a child or young person misinterprets an action or where the allegation is made as a cry for help in order to draw attention to an abusive situation occurring elsewhere in their lives, known as displacement.

## **2. Why do children and young people make false allegations<sup>2</sup>?**

Children and young people, although rarely, do sometimes make up allegations either for reasons of malice or to give voice to a personal concern or experience somewhere else within their lives. Whatever the reason or motive children have for making false allegations, the cause should be addressed in order to meet their individual needs and to avoid the risk of allegations being repeated. A ‘Child in Need’ referral might be appropriate.

Words such as false, unfounded, unsubstantiated and malicious are often used in the same context when describing an allegation. The meanings are very different and it is important to understand the distinction between them and use them correctly.

For an allegation to be described as false, it is necessary to have evidence that disproves the allegation. This means that the allegation is unfounded.

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<sup>1</sup> This guide is written primarily from a school perspective, but is intended to be applicable to any education professional subject to false allegations; whilst the personnel involved may vary the principles remain the same.

<sup>2</sup> See Paragraph 7.3(ii) of Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse 2002.

For an allegation to be described as malicious, it is necessary to have evidence that not only disproves the allegation, but also proves a deliberate intent to deceive.

An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

### **2.1. Displacement<sup>3</sup>**

Children making false allegations as an act of displacement, and their families, may be in need of help either through child protection services or through specialist counselling services. Where children have made allegations against professionals to draw attention to child protection issues within their home or family or community, it is essential that these concerns are investigated further to ensure that the child receives appropriate protection in future. This should be discussed with the LEA lead officer and social services.

### **2.2. Misinterpretation**

Some children and young people may misinterpret the words or actions of adults. This sometimes occurs because the young person is not yet skilled in identifying and ascribing meaning. Parents may misinterpret information provided by their children. This can sometimes lead to issues being unnecessarily inflated or prolonged, resulting in formal investigation of matters which may have been more appropriately dealt with at school level in the first instance. Staff who are concerned that their actions or words may have been misinterpreted should record and report the situation and seek professional advice.<sup>4</sup>

When enquiries have concluded that an allegation is unfounded or unsubstantiated, and that the allegation was neither the result of displacement or misinterpretation, the Lead Officer, Education Personnel representative and Headteacher should discuss what steps are necessary in order to support the member of staff. Consultation should also take place with SSD and/or Police where appropriate.

The individual member of staff may particularly want to see some form of just response for any distress experienced. Plans for reintegration will also need to address realised or potential acrimony from any anticipated source. Any response must therefore be proportionate in terms of sensitivity to the aggrieved

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<sup>3</sup> See Paragraphs 7.3(ii) and 13 of Joint NEST/Teacher Union Guidance "Staff Facing an Allegation of Abuse" 2002.

<sup>4</sup> Paragraph 7 of NEST guidance on Conduct for Teachers, Education Staff, and Volunteers; and Paragraph 7.9 of Joint NEST and 6 Teacher Union Guidance on Preventing Abuse of Trust for Teachers, Education Staff, and Volunteers.

member of staff and with regard to the developmental needs of the child concerned.

### **3. Support for staff**

As the Joint NEOST/6 Union guidance points out a member of staff subject to an allegation should be provided with support throughout the process of the investigation and beyond. Staff should be encouraged to seek additional guidance from their professional association or trade union.

The individual needs of the member of staff should also be reviewed at the conclusion of the case. Staff who have been subject to false or unsubstantiated allegations will require both emotional and professional support in order to enable them to re-establish their professional confidence and, where suspension has been applied, to help them re-integrate into the school community.<sup>5</sup>

Staff subject to allegations, which after investigation are shown to be conduct or competency issues and who are not therefore dealt with under child protection procedures, should, following any disciplinary or conduct counselling, also be provided with appropriate support mechanisms to enable them to resume their careers.

#### **3.1. Professional support<sup>6</sup>**

Professional development support should be available through the Headteacher and the school's senior management team. Further support and guidance may be available from LEA School Improvement Service and through the individual's professional association, and in the case of the headteacher being the subject of an allegation the LEA and Governors should work together to ensure a suitable support plan is developed to support the headteacher. Individuals who have been subject to allegations may feel the need to undertake specific in-service training in relation to:

- Safe practice
- Class room management
- Behaviour management
- Physical intervention
- Professional mentoring/career coaching through the senior management team or the LEA.

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<sup>5</sup> Paragraph 10.3 Joint NEOST/Teacher Union Guidance "Staff Facing an Allegation of Abuse" 2002

<sup>6</sup> Paragraph 17 and 20 Joint NEOST/Teacher Union Guidance "Staff Facing an Allegation of Abuse" 2002

Once the structure of a staff support plan has been agreed, it should be clearly articulated to all relevant parties, and should be monitored and reviewed to ensure progress for the individual concerned.

### **3.2. Emotional Support<sup>7</sup>**

Being the subject of any child protection allegation, can be emotionally debilitating. Whether or not an individual is suspended, s/he can suffer loss of confidence on both a personal and professional level, and this may lead to fear of being in the classroom/work environment or other circumstances in which the individual feels particularly vulnerable. It is essential that the school, LEA and any professional association involved with the individual offer and/or provide the support necessary for the member of staff to resume or continue his/her career and regain confidence.

Emotional support is usually available through the LEA staff welfare service, and the professional associations. Individuals who have been falsely accused may feel angry or depressed, they may have diminished self esteem and confidence and they may, or may not, have a need to talk openly about their experience, either to someone specific or more generally. Therefore the views of the individual regarding the nature and level of support needed should be sought at the earliest opportunity. Some options that may be helpful include access to:

- Counselling
- A named peer supporter
- Mentoring from a member of the senior management team or other relevant staff
- Anger management programmes
- Self esteem building programmes

Where the subject of the allegation is a supply teacher, support should be agreed and coordinated between the school and the LEA or agency responsible for the provision of supply staff in agreement with the subject.

### **4. Proportionate responses to perpetrators of false allegations - The rights of the child and the <sup>8</sup>Welfare Principle<sup>9</sup>**

Despite the distress caused, children who make false allegations are entitled to continue to receive full access to the curriculum.

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<sup>7</sup> Paragraph 13 Joint NEOST/Teacher Union Guidance : "Staff Facing an Allegation of Abuse" 2002

<sup>8</sup> The Welfare of child is paramount – the Children Act 1989

<sup>9</sup> Paragraph 13,18 and 20.5 Joint NEOST/Teacher Union Guidance "Staff Facing an Allegation of Abuse" 2002

The response to a child who makes unfounded, false or unsubstantiated allegations should take account of the following factors:

- Any special needs the child may have such as learning, linguistic or physical disability, emotional, behavioural or social difficulties
- If the child is in public care (looked after by the local authority)
- If the child is or has been on the Child Protection Register
- If the child is likely to settle down and return to normal school life
- If the child is likely to attempt to make further false allegations
- If the child is likely to resume normal relationships or is there still acrimony

Where to remain in the same school as the falsely accused member of staff would be prejudicial, for example on grounds of irresolvable conflict, irreparable breakdown of trust or undermined authority, either to that member of staff or the pupil themselves, arrangements could be considered to enable the pupil to study elsewhere.

Permanent exclusion is rarely an appropriate response. This may deny the pupil access to the curriculum, and, as <sup>10</sup>research has shown, can lead to social exclusion and significant reduction in life chances for the young person.

The Welfare Principle requires that consideration is given to the ascertainable wishes and feelings of the child, having regard to their age and understanding. The response of the school/LEA in meeting those needs must also be compatible with the efficient functioning of the school.

On occasions, when it is clearly not appropriate for the child to continue attending the school in question, a managed transfer to an alternative school may be a more appropriate response than exclusion. Permanent exclusion should only be considered a viable option for the pupil and school in extreme circumstances.

LEAs should give high priority to children in this position and should ensure that arrangements are put in place as soon as is practicable to enable the child's education to continue with minimum disruption and with any necessary interim provision being provided as a matter of urgency. The LEA should also ensure that appropriate strategies exist to facilitate referral for Children in Need, where appropriate.<sup>11</sup>

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<sup>10</sup> "Truancy and Exclusion damages the children themselves and everyone else, the children themselves lose out because they stop learning. This is self-evident for truants, but it is also a problem for excluded pupils. Many are now receiving as little as 3 or 4 hours of tuition each week and some get nothing. These lost years matter: both truancy and exclusion are associated with a significantly higher likelihood of becoming a teenage parent, being unemployed or homeless later in life, or ending up in prison" Social Exclusion Unit Report: Tackling Truancy Together, SEU 1999

<sup>11</sup>Section 17 Children Act 1989: It shall be the general duty of every local authority – to safeguard and promote the welfare of children within their area who are in need and; so far as is consistent with that duty,

In addition, **where malicious intent is proven other options as follows will need to be considered:**

- Pupil and parent to be seen by senior staff member and governor, for the purpose of discussing the inappropriateness of the allegation and where necessary agree disciplinary action, which might include detention, school community service, written apology, and to agree the ground rules for future behaviour
- Where the malicious intent is demonstrably the result of a campaign by parents or other staff, advice should be sought from the LEA's legal team who will be able to offer guidance on appropriate action to further protect the member of staff concerned
- Referral to LEA support services such as Education Social Work Services or other behaviour support services for anger management, conduct counselling or guidance about managing future relationship with adults
- Referral to Educational Psychologist, Social Services, Child and Adolescent Mental Health Services or other specialist service

## **5. Strategy**

A plan should be devised setting out what action is to be taken and by whom. It should clearly define the timescales involved and should allow for a review.

### **5.1. Review**

Any false allegation may deeply traumatise a school community and inevitably take time to heal. Any strategy plan agreed to respond to pupils making false allegations will need to include a review period to enable the school and others involved to monitor the effectiveness of the plan for the pupil and the member of staff.

Where it becomes evident that the plan is not working, consideration should be given to other alternatives to enable the pupil and the member of staff each to continue his/her business unimpeded by the other.

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to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs

Where a pupil has moved to a new school under a managed transfer, the progress, attendance, and wellbeing of the pupil should be monitored regularly to identify and remedy any problems which may arise, involving, as appropriate, other relevant agencies to initiate support for the pupil.

## **6. Managing distress within the wider school community and sharing information**

Depending on the nature of the allegation and the amount of information available about it within the public domain, action may be necessary to provide emotional support and reassurance to other staff, pupils and parents.<sup>12</sup>

In discussion with the LEA Lead Officer, education personnel representative and where appropriate, LEA press office, police and social services, the Headteacher should agree:

- Firstly, what information can be shared, how and with whom. The views of the member of staff should be considered as should any potentially negative impact of information upon the pupil or family. It is important in giving information in this context to be clear about and adhere to the facts, and not to get drawn into speculation, opinion or hearsay.
- Secondly, whether there is a need to provide support to other members of the school community, and if so, how. Many LEAs have Critical Incident Counselling teams comprising Education Psychologists, Education Social Workers and other behaviour support services, which may provide appropriate support. Alternatively support may be available through Occupational Health Services or Social Services.

## **7. When allegations are the result of displacement or misinterpretation**

Children and young people who make false allegations to draw attention to abuse in another area of their lives, are suffering or at risk of suffering significant harm, and their situation should be investigated further by referral to Social Services.

It is important to remember that unfounded allegations can leave the accused feeling isolated, self doubting and doubted. Managers, colleagues and the wider community are often perceived by the individual as applying the self evidence principle “No smoke without fire” and the member of staff may therefore need significant and meaningful reassurance that they are believed and supported.

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<sup>12</sup> Paragraph 20.5 Joint NEOST/Teacher Union Guidance “Staff Facing an Allegation of Abuse” 2002

The principles outlined above when applied to such an incident, will help to ensure that the needs of both staff and pupil are recognised and met.

The management of information, remains a key issue, and should be discussed and planned in consultation with the LEA Officer and any other relevant agencies.

### **8. Further Advice.**

Further advice and guidance on dealing with allegations against staff can be found in the following documents:

- Staff subject to Allegations, Thresholds for and Alternatives to Suspension IRSC Guidance 2004
- Definitions and Thresholds for Managing Allegations Against Education Staff IRSC Guidance 2004
- Protecting Children from Abuse: The Role of the Education Service DfEE Circular 10/95
- Joint NEOST/Teacher Union Guidance on Education staff and Child Protection : “Staff Facing an Allegation of Abuse” 2002
- What to Do If You’re Worried A Child Is Being Abused (DoH et al) [www.doh.gov.uk/safeguardingchildren/index.htm](http://www.doh.gov.uk/safeguardingchildren/index.htm)

If you wish to seek further advice on this guidance from your local IRS Coordinator please contact:

DfES Child Protection: Education Policy Team      01325 392037  
E-mail      [child.protection@dfes.gsi.gov.uk](mailto:child.protection@dfes.gsi.gov.uk)