Allegations of abuse against staff

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Trust
Southwark
Arnbrook
Derwent

*‘staff’ throughout this policy includes all other adults on site, including Governors, volunteers and external parties.*
Allegations of Abuse against Staff Policy

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Introduction
Schools within our Trust are committed to providing the highest level of care for both its pupils and its staff. All staff* involved in regulated activity are subject to stringent vetting processes and carry an enhanced DBS certificate. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our schools are dealt with thoroughly and efficiently, maintaining the highest level of protection for the accusing child or adult whilst also giving support to the person who is the subject of the allegation. The Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation.

Our policy is in line with statutory guidance from the Department of Education. This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help children, parents/carers, employees, governors and volunteers to feel comfortable that they can voice concerns about any member of staff*.

Purpose
The procedure for dealing with allegations against staff* depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the school’s Complaints Policy, Child Protection Policy, Whistleblowing, Code of Conduct and Disciplinary Policies as appropriate.

This policy will be used in any case where it is suspected or alleged that a member of staff* at the school has:
- Behaved in such a way that may have harmed a child or may have intended to harm a child or adult. (Our child protection policy outlines what it means to harm a child)
- Acted outside of the law in relation to dealings with a child
- Behaved in any way that suggests they may be unsuitable to work with children.
- Behaved in such a way deemed inappropriate within the workplace

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• Behaved in such a way that contravenes management advice

**Timescale**

It is imperative that allegations against staff* are dealt with as efficiently as possible to:

- minimise the risk to the child,
- minimise the impact on the child’s academic progress,
- minimise the risk to those employed within the Trust or other adults working within
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, governors, volunteers, parents/carers and students should be aware of the procedures set out in this policy.

**Procedure**

Reporting an allegation all concerns of poor practice or possible child abuse by staff should be reported immediately to the Headteacher, Head of HR, CEO or Chair of the Board (where the CEO is the accused). Whoever receives the complaint will become the Complaint Lead. The Complaint Lead will take all reasonable steps to ensure confidentiality and will only inform necessary people. Where appropriate the Designated Safeguarding Lead will be informed if the allegation involves a child.

Staff who are concerned about the conduct of a colleague towards a pupil or another member of staff* are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague’s career. All staff must remember that the welfare of the child or staff* is paramount and must report their concerns immediately.

In all cases involving pupils the LADO will be contacted by the Headteacher/Designated Safeguarding Lead and a discussion will take place to decide whether:

- no further actions are needed
- a strategy discussion should take place
- there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.

**Investigation**

An investigation into the allegations is normally carried out by children’s social care or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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Supporting those involved

The person(s) who makes the allegation and their parents/carers:
Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social care are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.

Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome.

During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome. Social services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

The Trust’s Whistleblowing policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place. For all staff* involved appropriate signposting of available support (e.g. counselling) will be given.

The employee:
Schools within Believe Academy Trust have a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Complaint Lead has spoken to staff at the appropriate level and LADO (where appropriate). The employee will then be advised on what the next course of action will be.

However, if the police or social care are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation. The named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the school should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support. The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone’s best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summoned.

Where sanctions are to be implemented on the member of staff* this will be in accordance with the Trust Disciplinary Policy. Where an allegation has been made against an adult not employed by the Trust the following will take place:

- In the case of a volunteer, including Governors, the Trust will act on advice from the police or other authorities involved
- For employees of external organisations working within the Trust their own employer’s Disciplinary process will be adhered to, with which the Trust will cooperate fully.

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Suspensions

The Trust will not suspend (or prohibit adults not employed) a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the pupil or adult making the allegation. This may involve redeployment across the Trust following appropriate risk assessments. A suspension may be decided upon if it is deemed that the child, other children or adults may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Performance, Pay and Personnel committee holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary. It may be necessary for the CEO, Head of HR or Headteacher to temporarily suspend an employee in the case where an immediate decision needs to be made. Where there is a chance of suspension, the employee will receive confirmation in line with our disciplinary policy.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person’s cooperation. They will be given full opportunity to answer the allegation.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in a separate, secure file. If those making the allegation acquire evidence to support their accusation this should be passed confidentially to the complaint lead.

Any electronic records pertaining to the investigation should be password protected and stored securely.

Paper records should be kept secure at all times. At the end of the investigation a copy of the investigation and outcomes should be retained electronically. All paper copies relating to the investigation should then be discarded safely.

The record will be kept, including for people who leave the organisation, in line with the Trust’s Data Retention Policy.

Allegations that are proven to be malicious will not be kept on record or used in employee references.

Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the Trust to the Disclosure and Barring Service. The school will be advised on this by the police and/or social services. If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between

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employee and child. Staff will be made aware, during any investigation, of how to access employment welfare programmes, such as counselling.

**Action in the case of false allegations**

Where an allegation is proven to be false, the Complaint Lead, Designated Safeguarding Lead and Senior Trust personnel may refer to social care to determine whether the child is in need of further care, or to help to understand if they are being abused elsewhere. If a false allegation is made against a member of staff* then the Complaint Lead and/or Senior Trust Personnel may wish to follow the Trust’s Disciplinary Policy against the employee who made the false allegation.

**After the case**

No matter what the outcome is of an allegation of abuse against staff, the Trust will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

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