



## **Allegations of abuse against staff**

**SEPTEMBER 2022**

**REVIEW: SEPTEMBER 2023**

*Note: Policy will be reviewed earlier if updates are made to statutory guidance which directly affects this policy.*

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<b>Trust</b>	✓
<b>Abbey</b>	
<b>Arnbrook</b>	
<b>Derwent</b>	
<b>Southwark</b>	

*Note staff\* refers to any adult employed at the school, volunteers (including Governors) as well as supply staff and third party employed individuals. In the latter instances liaison with the individual's employer would take place where applicable.*

# 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 Keeping Children Safe in Education 2022. 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 Trust's Complaints Policy, Whistleblowing, Code of Conduct, Safeguarding Statement and Disciplinary Policies as well as individual school's Child Protection/Safeguarding 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 has 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)
- Possibly committed a criminal offence against or related to a child

- Behaved towards a child or children in a way that indicates he/she may pose a risk of harm to children; or
- Behaved in any way that suggests they may not be suitable to work with children.
- Behaved in such a way deemed inappropriate within the workplace
- Behaved in such a way that contravenes management advice

This policy relates to members of staff\* who are currently working in any Trust school regardless of whether the school is where the alleged abuse took place. Allegations against staff\* who are no longer teaching/employed should be referred to the police. Historical allegations of abuse should also be referred to the police.

## Timescale

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

- look after the welfare of the child
- minimise the impact on the child's academic and developmental progress,
- investigate and support the person subject to the allegation
- ensure a fair and thorough investigation for all parties.

Target timescales are shown below. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. If it is identified that a child may be of immediate risk of harm or if the situation is an emergency, the Local Authority Designated Officer and, as appropriate, police will be contacted immediately.

It is expected that most cases should be resolved within a one to three month period, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, the aim is to resolve as quickly as is possible.

In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days.

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 or concerns of poor practice or possible child abuse by staff should be reported immediately to the Head Teacher, Head of HR, CEO or Chair of the Board (where the CEO is the accused). Whoever receives the complaint will become the Complaint Lead/Case Manager. The Complaint Lead/Case Manager will take all reasonable steps to ensure confidentiality and will only inform necessary people.

The procedures for dealing with allegations need to be applied with common sense and judgement. In these cases, local arrangements should be followed to resolve cases without delay. The Local Authority Designated Safeguarding Lead (LADO) will be informed immediately if the allegation involves a child.

Before contacting the LADO basic enquiries to establish the facts to determine whether there is any foundation to the investigation should take place, such as whether the individual was in school at the time of the allegation, if there were any witnesses or CCTV footage. Once in contact with the Designated Officer they may ask the Complaint Lead /Case Manager to provide or obtain relevant additional information, such as previous history, whether the child or family have made similar allegations previously and about the individual's current contact with children. There may be situations when the Complaint Lead/Case Manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or if there is evidence of a criminal offence. When there is no such evidence liaison with the designated officer should determine whether police involvement is necessary.

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. This policy, alongside the Trust's Whistleblowing Policy should be followed in these instances.

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, in which case the justification should be recorded by the Complaint Lead/Case Manager and the Designated Officer(s) and an agreement on what information should be put in writing to the individual concerned
- a strategy discussion should take place in accordance with the statutory guidance [Working Together to Safeguard Children](#)
- there should be immediate involvement of the police or social care.

Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.

## Low-level concerns

If after initial consideration the concerns do not meet the criteria for a referral to the LADO then the school will manage the 'low level' concern in accordance with Trust policies, this may include disciplinary policy, whistleblowing, code of conduct, acceptable use and social media. The Head Teacher will be the ultimate decision maker on the most appropriate course of action to be taken. This may be done in collaboration with others, such as the Designated Safeguarding Lead. Considerations of any further training or further action will be carried out. Where school is in any doubt as to whether the information meets the 'harm' threshold they will contact the LADO team.

The term 'low level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites

- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

Any such concerns about a member of staff, supply staff, volunteer or contractor, including those which do not meet the harm threshold are shared responsibly with the Designated Safeguarding lead and the Head Teacher, and recorded and dealt with appropriately. Such behaviour can exist on a wide spectrum, from inadvertent or thoughtless, or behaviour that may look to be inappropriate, but may not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Where supply staff and contractors are employed separately the school will notify their employers. Doing so will ensure that they are dealt with effectively, also protect those working in or on behalf of the school from potential false allegations or misunderstandings. The Designated Safeguarding Lead and/or Head Teacher will collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously
- to the individual involved and any witnesses.

All low-level concerns will be recorded in writing, including the details of the concern, the context and actions taken. The name of the individual sharing their concern will also be noted where possible, however leaders must consider anonymity where this is requested. Such records will be maintained, at least until the individual leaves direct employment to enable records to be reviewed so that potential patterns concerning inappropriate, problematic or concerning behaviour can be identified. Low level concerns should not be included in employer references unless it relates to issues that would normally be included in references such as misconduct or poor performance. However, where a low level concern (or group of concerns) meets the threshold for a referral to LADO and is found to be substantiated, it should be referred to in an employment reference.

## Investigation

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

## 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 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 paragraphs 233-234). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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.

The following definitions will be used in 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:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

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.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social services, or the police as appropriate, should consider what support the child or children involved 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 ensure effective support for anyone facing an allegation, providing a named support if action to suspend is implemented. Where the individual facing the allegation is not a direct employee liaison with relevant parties will take place.

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/Case Manager 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. Where an initial discussion leads to no further action, the Complaint Lead/Case Manager will: record the decision and justification for it, and agree on what information should be put in writing to the individual concerned and by whom.

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. Trust wellbeing services (e.g. counselling) will also be signposted to individuals concerned.

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 summonsed.

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 follow its own local procedures and act on advice from the police or other authorities involved where necessary. Where an allegation is substantiated, the Trust will follow procedures to remove the individual from office.
- 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.

### **Supply teachers:**

An allegation against an individual within school may not be made against someone directly employed by the Trust, for example, supply teachers provided by an employment agency or business. Supply teachers are under the supervision, direction and control of the governing body whilst working in school.

Whilst Believe Academy Trust are not the employer of the individual, it will ensure that any allegations are dealt with properly. Believe Academy Trust, under no circumstances, will decide to cease using a supply teacher or agency due to safeguarding concerns, without finding out the facts and liaising the local authority designated officer (LADO) to determine a suitable outcome. Governing Bodies and Senior Leaders should discuss with the agency whether it is appropriate to suspend or redeploy the individual, whilst they carry out their investigation. The individual who has had an allegation made against them will be advised to contact their trade union representative if they have one, or a colleague for support.

It is usually appropriate for the school to lead an investigation, following liaison with LADO, police and/or children's social services. Supply teachers will be advised to contact their trade union representative, if they have one. The allegations management meeting (often arranged by LADO) will address such issues as information sharing, to ensure that any previous concerns or allegations known by the agency are taken into account by the school during the investigation.

Any agency used to support the school's supply needs will be made aware of this policy. Through this process schools will also have due regard for agency procedures and duties placed on them.

## **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 school/Trust following appropriate risk assessments. Other alternatives may include, but are not limited to:

- Providing an assistant to be present when the individual has contact with children;
- Moving child(ren) to classes where they will not come into contact with the member of staff, making it clear this is not a punishment and consulting with parents;
- Temporarily redeploying the member of staff to another role in a different location



- Redeploying to alternative work in the school so the individual does not have unsupervised access to children

If consideration is given to any of these alternatives, the case manager, Head Teacher and CEO should consider the potential permanent professional reputational damage to employee (and the school/Trust) where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.

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 and/or dismissal. If there is any doubt over this decision the views of LADO and/or any other key partners (e.g. police, social care) will be sought.

The 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 confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. A suspended individual will be provided with a named contact within the Trust as a mechanism of support.

## Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation and make representations about it. A referral to the DBS will be made, if the criteria are met. In instances where a resignation has been submitted it may be difficult to apply disciplinary sanctions if a person's notice period has expired before the process is complete.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

## 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/Case Manager.

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 is most likely to be made immediately by the Trust to the Disclosure and Barring Service, this will be following discussions with the designated officer(s). In the case of teaching staff this may also be referred to the Teaching Regulation Agency (TRA).

***NOTE: There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.***

The school will also be advised/seek advice on next steps by the police and/or social services and Designated Officer(s) on:

- who else needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

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

False, unsubstantiated, unfounded or malicious allegations will not be kept on an individual's employment record and will therefore not be included in employer references should there be a need in the future.

## Action in the case of false allegations

Where an allegation is proven to be false, the Complaint Lead/Case Manager, Designated Safeguarding Lead and Senior Trust personnel may refer to social care to determine whether the child is in need of further services, 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/Case Manager and/or Senior Trust Personnel may wish to follow the school's behaviour policy, or 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.

## Annex A: Table of substantive changes from September 2021

Where	What
<b>Whole document</b>	
Reference made to Keeping Children safe in Education 2022	
<b>Timescales</b>	
Pg 3	New sentence clarifying the need for LADO and/or police to be contacted if it is deemed that a child is at immediate risk of harm or if the situation is an emergency
<b>Procedure</b>	
Pg 4	New sentence adding the need for basic enquiries to take place prior to contacting LADO.
Pg 4	New sentence referencing the link between this policy and the Trust Whistleblowing procedures
Pg 4	Expansion on actions following discussion between Complaint Lead and Designated Officer (s)
<b>Low-level concerns</b>	
Pg 4 - 5	Reworked paragraph linked to managing low-level concerns
<b>Supporting those involved</b>	
Pg 6	New sentence outlining actions taken by the Complaint Lead/Case Manager where 'no further action' is determined
Pg 6	New sentence linking to availability of Trust wellbeing services to support those involved
Pg 7	New detail added to bullet points, linked to local procedures and also substantiated allegations regarding governors and their subsequent removal from office
Pg 7	New sentence advising supply teachers to contact their trade union representatives

Pg 7	New sentence stating that the Trust will have due regard to agency procedures and duties
<b>Suspensions</b>	
Pg 7	New bullet points added to alternatives to 'suspension' list
Pg 8	New paragraph outlining the consideration to the professional damage a situation may have on the individual and/or the school/Trust
Pg 8	Clarification that a named support will be provided for any suspended individual
<b>Action on conclusion of the case</b>	
Pg 9	Clarification that false, unsubstantiated, unfounded or malicious allegations will not be included in employer references