

# Allegations of Abuse against staff Policy

January 2022

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Approved by:	Trustees
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Consilium  
Academies

## 1 Introduction

- 1.1 The Trust takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any allegation made against a member of staff or volunteer is managed appropriately and as expeditiously as possible for the benefits of all those involved.
- 1.2 This policy sets out how the Trust will manage allegations made against a member of staff, agency staff or volunteer at the Academy/Trust in accordance with the statutory guidance of Keeping Children Safe in Education 2021.
- 1.3 This policy will be followed where it is suspected or alleged that a member of staff, including agency staff, or a volunteer has:
- behaved in a way that has harmed a child or may have harmed a child.
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
  - behaved or may have behaved in a way that indicates they may not be suitable to work with children
- 1.4 This policy will be used alongside our complaints policy and child protection and safeguarding policy.

## 2 Reporting an allegation

- 2.1 All staff should report allegations or concerns immediately.
- 2.2 Allegations made against a member of staff, including agency staff, or a volunteer should be reported to the Designated Safeguarding Lead or Head Teacher. Allegations involving the Head Teacher should be reported to the CEO. The Head Teacher or CEO (as appropriate) will then contact the designated officer at the local authority and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The Trust Designated Safeguarding Lead and HR will also be involved in this discussion. This discussion may include that:
- no further action is required; or
  - more information is required to determine a course of action; or
  - a strategy discussion should take place; or
  - police or social care should be involved.
- 2.3 The Trust will share relevant information with the designated officer about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the Academy will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.

## 3 Investigating an allegation

- 3.1 An investigation into the allegation should normally be undertaken by a senior member of staff who is appropriately trained and qualified to deal with such matters. Where no suitable staff are available or the nature or complexity of the allegation requires it, the Trust may appoint an independent investigator. An independent investigator will only be appointed by the HR department following advice if this is agreed as appropriate by the Head of HR & Corporate Services.
- 3.2 When determining the outcome of an investigation Keeping Children Safe in Education 2021 states that the following definitions should be used:
- **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

## **4 Supporting those involved**

### **4.1 Parents/carers of the child(ren) involved**

- 4.1.1 Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, the Academy will not tell the parents or carers until it has been agreed with those agencies what information can be shared.
- 4.1.2 The Trust/Academy will keep parents or carers informed during the investigation. The deliberations of any disciplinary hearing, and the information considered in reaching a decision will not be disclosed to parents or carers.

### **4.2 The member of staff, agency worker or volunteer**

- 4.2.1 The Academy/Trust has a duty of care to all staff and will act to minimise the stress inherent in the investigation process. The Academy will advise the individual to contact their trade union representative or a colleague for support.
- 4.2.2 The person who is the subject of the allegation will be informed as soon as possible in the presence of a Trade Union Representative or work colleague (if they wish), usually after the initial discussion with the designated officer. The person will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances the Academy will work with children's social care and the police to agree what information can be disclosed and when.
- 4.2.3 The Head Teacher will appoint a named representative who has had no previous involvement with the matter, to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other school related matters. The Head Teacher will also consider what other support may be appropriate for the individual. The Headteacher will take advice from HR. They will also be given access to support services provided by the Trust's employee assistance programme.
- 4.2.4 Where an allegation is made against a member of agency staff, the Trust and the employment agency should provide additional support to that member of agency staff.

## **5 Suspension**

- 5.1 Suspension is not an automatic response to an allegation being made and it is recognised that staff may not feel this is a neutral act. The Academy/Trust will only suspend a member of staff as a last resort following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working. The Headteacher will take advice and support from HR for any potential suspension.
- 5.2 The Headteacher in consultation with the HR department makes the decision of whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the Academy/Trust will listen to their views regarding suspension.
- 5.3 Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension. Suspension will be on full pay and subject to regular review (timescales for review will be agreed with the union representative).
- 5.4 After the suspension, if it is decided that the employee can return to the Academy/Trust, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.
- 5.5 In some circumstances the Trust/Academy will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business. Whilst the Trust/Academy are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should the Trust/Academy decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.
- 5.6 The Trust/Academy should discuss with the supply agency whether it is appropriate to suspend the supply teacher or redeploy them whilst they carry out their investigation. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The Trust/Academy will usually take the lead because agencies do not have direct access to children or other Trust/Academy staff to be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

- 5.7 Supply teachers, whilst not employed by the Trust/Academy, are under the supervision, direction and control of the Trust when working in the Trust/Academy. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the Trust/Academy during the investigation.
- 5.8 When using a supply agency, the Trust/Academy should inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.
- 5.9 We expect agency workers and agencies to cooperate with our investigations and with external agencies where applicable and the Academy/Trust will follow appropriate processes in line with the statutory guidance for Keeping Children Safe in Education.

## **6 Resignation**

If the individual resigns or the agency staff member or volunteer ceases to provide their service, the investigation into the allegation will be completed by the Academy/Trust. The individual will be encouraged to engage with the investigation and will be invited to all relevant meetings/hearings before an investigation is completed and an outcome is determined.

## **7 Action on conclusion of the case**

7.1 If the allegation is substantiated and:

- 7.1.1 the employee is dismissed or resigns; or
- 7.1.2 we cease to use the agency staff member's services as a result of the allegation; or
- 7.1.3 we cease to use the volunteer's services as a result of the allegation.

the Academy will consider where necessary if a referral to the DBS and/or to the TRA is required, in line with statutory guidance (Keeping Children Safe in Education). The Academy will take advice from the Director of HR & Corporate Services on this matter and referrals will only be made where necessary in line with the statutory guidance. Where an allegation is found to be false, the Academy may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made.

- 7.2 The Academy's behaviour policy sets out the action that may be taken against pupils who are found to have made malicious/vexatious allegations against staff or volunteers, this may include suspending the student in line with the behaviour policy. Appropriate support will be provided to the member of staff where a malicious/vexatious allegation is made to ensure that they are not subjected to repetitive malicious/vexatious complaints.
- 7.3 Where an allegation is made against a member of agency staff the outcome of the investigation will be shared with the supply agency and the LADO.

## **8 Managing low level concerns**

- 8.1 This part of the policy will be followed when dealing with low level concerns raised in relation to members of staff, including supply staff, contractors or volunteers and may be adapted to each case as required.
- 8.2 Consilium Academies promotes a culture in which all concerns about all adults working in or on behalf of the Trust (including supply teachers, contractors and volunteers) are addressed appropriately.
- 8.3 This policy is designed to:
- 8.3.1 promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues
  - 8.3.2 ensure staff are comfortable to raise low-level concerns; and
  - 8.3.3 provide for efficient and proportionate handling of those concerns

## **9 Recognising low level concerns**

9.1 This policy will be used to manage 'low-level' concerns, defined in Part 4 of Keeping Children Safe in Education 2021 as 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 Academy/Trust may have acted in a way that:

9.1.1 is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and

9.1.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

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

9.2.1 being over friendly with children;

9.2.2 having favourites;

9.2.3 taking photographs of children on their mobile phone;

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

9.2.5 using inappropriate sexualised, intimidating or offensive language.

## **10 Sharing low level concerns**

10.1 For our culture of openness and trust to prevail, all staff should share any low level concerns they have. Serious Case Reviews and Safeguarding Practice Reviews have often evidenced how low level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.

10.2 To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low level concerns.

10.3 All staff are encouraged to immediately report low level safeguarding concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.

10.4 All low level concerns in relation to staff, supply staff, contractors or volunteers should be reported immediately to the Head Teacher who will take advice from HR. Concerns about the headteacher should be reported to the Director of HR & Corporate Services.

## **11 Responding to low-level concerns**

11.1 The Head Teacher or Director of HR & Corporate Services will review the concern to confirm that it is not a more serious issue. If necessary, the Head Teacher or Director of HR & Corporate Services will discuss the concern with the LADO to determine whether it should be dealt with as a low-level concern.

11.2 The Head Teacher or Director of HR & Corporate Services will discuss the concern with the individual who raised it and will investigate it as appropriate.

11.3 Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the Trust code of conduct and disciplinary procedure.

11.4 If the concern has been raised via a third party, the Head Teacher or Director of HR & Corporate Services will collect evidence by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses.

11.5 Where a low level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

## **12 Recording low-level concerns**

- 12.1 All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.
- 12.2 Records of low-level concerns will be reviewed so potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the Trust will decide on an appropriate course of action and will refer the matter to the LADO where the behaviour moves from a concern to meeting the threshold set out in the first part of this policy.

The record of the low-level concern will be kept at least until the person leaves our Trust.

## **13 References**

- 13.1 Low level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated by the Trust, in which case they should be referred to in references.

## **14 Post incident review**

It is good safeguarding practice for schools to review incidents upon their conclusion so they can learn from them and continue to improve safeguarding at the Trust/Academy. Where allegations are made against staff, including agency staff or volunteers, the Academy may carry out a review at the conclusion of the case. The Headteacher and HR will be involved in the case review.

## **15 Timescales**

Investigations into allegations against staff, including agency staff or volunteers or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible. Although the investigation will be carried out in a timely manner a thorough process will be followed.

## **16 Record keeping**

- 10.1 A clear and comprehensive summary of the allegation, how it was followed up and resolved and a note of actions taken and decisions reached will be retained on the employment file. A copy will also be provided to the individual. Only live disciplinary warnings will be provided on a reference request.
- 10.2 Allegations found to be malicious will be immediately removed from the employment record of the individual in line with the GDPR.

## **17 Confidentiality**

- 17.1 The Academy will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.
- 17.2 The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.