



# **The Arthur Terry Learning Partnership**

## **Allegations of Abuse against Staff**

This policy was approved by Trustees on [12/10/20]

John Vickers..... Chair of Trustees

Adopted on [12/10/20]

This policy will be reviewed annually on or before 31<sup>st</sup> October 2021

## **1 Introduction**

- 1.1 The Trust takes the safeguarding of its pupils very seriously and it recognises that it is extremely important that any allegation made against a member of staff or volunteer is managed quickly and effectively.
- 1.2 This policy sets out how the Trust will manage allegations made against a member of staff or volunteer at any of its academies, including agency staff. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2020.
- 1.3 This policy will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2020 requires that it is followed in any case 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 (see the child protection and safeguarding policy for what is meant by ‘harm’);
  - 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 the complaints policy and child protection and safeguarding policy.

## **2 Reporting an allegation**

- 2.1 The Trust considers the safety and welfare of its pupils of paramount importance and so all staff must report their allegations or concerns immediately.
- 2.2 Allegations made against a member of school staff, including agency staff, or a volunteer should be reported to the Head Teacher. For centrally employed staff allegations should be reported to the CEO. Allegations involving the Head Teacher should be reported to the relevant Director of Education. Allegations involving the CEO should be reported to the Chair of the Trust. The Head Teacher, CEO or Chair of Trustees (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.
- 2.3 It is recommended that HR are involved at this early stage and the Head Teacher/Director of Education/ Chief Executive Officer should make contact with them as soon as is possible and seek advice. The Trust Designated Safeguarding Lead may 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.

- 2.4 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 Trust 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 Advice should always be taken from HR when investigating an allegation.
- 3.2 An investigation into the allegation should normally be undertaken by a senior member of staff at the Trust]. Where no suitable staff are available or the nature or complexity of the allegation requires it, the Trust may appoint an independent investigator.
- 3.3 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2020 states that the following definitions should be used when determining the outcome of the investigation:
- **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
- 3.4 In no circumstances would The ATLP cease to use a member of agency staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome

### 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 Trust 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 will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution the Trust will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome **in confidence**.

#### 4.2 The member of staff or volunteer

- 4.2.1 The Trust has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.

- 4.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the designated officer. Up until this point the person who is the subject of the allegation should not be informed. It is particularly important that the person raising the concern or allegation does not inform the subject of the concern. 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 Trust 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/CEO or Chair of Trustees (as appropriate) will appoint a named representative 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/CEO, or Chair of Trustees (as appropriate) will also consider what other support may be appropriate for the individual. The Trust will advise the individual to contact their trade union representative or a colleague for support. They may also be given access to support services provided by the Trust.
- 4.2.4 Where an allegation is made against a member of agency staff, the employment agency should provide an additional support to that member of agency staff.

## **5 Suspension**

- 5.1 Suspension is not an automatic response to an allegation being made. The Trust will only suspend a member of staff 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.
- 5.2 The Trust makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the Trust will listen to their views regarding suspension.
- 5.3 The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the [academy/trust] immediately will cease to use the services of that member of agency staff.
- 5.4 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.
- 5.5 After the suspension, if it is decided that the employee can return to work, measures will be put in place to support their return. This could include a phased return or offering another member of staff as a support system.

## **6 Resignation**

- 6.1 If the individual resigns or the agency staff member or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will be given the opportunity to engage with the investigation.

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

- 7.1 If the allegation is substantiated and the employee is dismissed or resigns, or the Trust ceases to use the volunteer's services as a result of the allegation, :

7.1.1 the employee is dismissed or resigns; or

7.1.2 the Trust ceases to use the agency staff member's services as a result of the allegation;  
or

7.1.3 the Trust ceases to use the volunteer's services as a result of the allegation;

the Trust will consider whether a referral to the DBS and/or to the TRA is required.

7.2 Where an allegation is found to be false, the Trust 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.

7.3 The Trust/school behaviour policy sets out the action that may be taken against pupils who are found to have made malicious allegations against staff or volunteers

7.4 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 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 school. Where allegations are made against staff, including agency staff, or volunteers, the Trust may carry out a review at the conclusion of the case.

## **9 Timescales**

Investigations into allegations against staff, including agency staff, 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.

## **10 Record keeping**

Allegations found to be malicious will be removed from the employment record of the individual. For all other allegations, 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 indefinitely on the employment file. A copy will also be provided to the individual.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

## **11 Confidentiality**

11.1 The Trust/school will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.

11.2 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.