



ALLEGATIONS AGAINST STAFF POLICY FOR ALL TRUST STAFF

Policy Title	Allegations Against Staff	Department Responsible:	Human Resources
Version	V1 – 1 November 2012 V2 – 14 December 2015 V3 – 4 September 2017	Review Date:	1 September 2019

Allegations against Staff Policy

1. Scope

This policy applies to all staff and students within the Trust.

2. Context

- 2.1 This document provides the steps to take where there is an allegation of physical or sexual abuse against a member of staff in relation to a trust student. The process described in this document is intended for use with teaching, support staff and volunteers irrespective of whether they are paid. In this policy, the term 'parents' means all those having parental responsibility for a child.
- 2.2 Students should not feel inhibited from reporting abuse against them by staff or volunteers. Any incident where a student has grounds to believe that a member of staff has crossed the boundary of acceptable behaviour should be reported to the Safeguarding Officer. The Principal and staff will continue to do all they can to ensure that the environment within the Academy encourages students and staff to make truthful reports of any inappropriate behaviour.

3. Aims

3.1 The aims of this policy are to:

- Provide a clear summary of action to be taken in the event of an allegation against a member of staff
- Deal with the situation in a fair, sensitive and prompt manner
- Minimise disruption to the normal running of the Academy and trust
- Provide effective protection for the student and at the same time support the person who is subject to the allegation

4. Statutory Position

- 4.1 'Working Together to Safeguard Children (March 2013)' sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children Act 2004. It is important that all practitioners working to safeguard children and young people understand fully their responsibilities and duties.
- 4.2 The trust must create and maintain a safe learning environment for students, and identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate.

5. Policy detail

5.1 Designated Safeguarding Officer

The Principal shall designate a member of staff to act as the Child Protection Manager (CPM) for the Academy. The trusts Human Resources Director may not also act as the

CPM. The Principal shall advise the Human Resources Director and Board of Directors as well as all members of staff of the name of each Academy's CPM and inform them of any changes.

5.2 Policy application

This policy must be followed when there is an allegation or a concern that any person who works with children or vulnerable adults, in connection with his/her employment or voluntary activity, has:

- Behaved in a way that has harmed a student or vulnerable adult, or may have harmed a student or vulnerable adult
- Possibly committed a criminal offence against or related to a student or vulnerable adult
- Behaved towards a student or vulnerable adult in a way that indicates they are unsuitable to work with students or vulnerable adults

This includes concerns relating to inappropriate relationships between members of staff and students, young people or vulnerable adults e.g.:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- 'Grooming' i.e. meeting a child under age 16 with intent to commit a relevant offence
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/ e-mail messages or images, gifts, socialising
- Possession of indecent photographs/pseudo-photographs of children.

6. Receiving an Allegation

6.1 All allegations of physical or sexual abuse made against a member of staff in relation to a student must be reported to the CPM, Principal and Human Resources Director.

6.2 The CPM must make a written record (timed, signed and dated) of what has been reported. The allegation should be written by the student or the person to whom the allegation was first made not by the person making the allegation.

6.3 Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.

6.4 The CPM must not discuss the allegation with the accused person prior to reporting the matter to the Principal who will inform the Human Resources Director.

6.5 In the event of the allegation being made against the Principal, the CPM is responsible for reporting the allegation to the Human Resources Director who will report the allegation to the Chief Executive Officer. The CEO will designate a senior member of the Trusts Management team who will undertake the role assigned to the Principal throughout this procedure.

6.6 The CPM must not investigate, ask leading questions if seeking clarification, make any assumptions or promise confidentiality but may give the assurance that information will

be shared on a 'need to know basis'.

- 6.7 If, in the judgement of the CPM the allegation meets the criteria (see 5.2 above) s/he should report it to their Local Authority Designated Officer (LADO) within 1 working day. Referral should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with these procedures could be a potential disciplinary matter.

7 The Principal's initial consideration of an allegation

- 7.1 Initially consideration must be given to whether there is evidence that the allegation is false or unfounded.
- 7.2 The Principal, in consultation with the CPM and Human Resources Director should decide whether any enquiries are necessary in order to decide whether or not to refer the matter to Social Services or the Police. The Principal and the CPM should consider what information needs to be gathered and how it is to be obtained. Staff or students must not be interviewed. Third parties within the trust may be asked, but not required, to write an account of their direct experience in relation to the allegation.
- 7.3 If, in the judgement of the Principal the allegation meets the criteria (see 5. Scope above) s/he should report it to their Local Authority Designated Officer (LADO) within 1 working day. Referral should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with these procedures could be a potential disciplinary matter.
- 7.4 The Principal may seek advice from appropriate agencies. These agencies include the Social Services, the Department for Education and the Police.
- 7.5 At this initial stage, the Principal, in consultation with any external agencies and Human Resources, should decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.
- 7.6 If the Principal decides to refer an allegation to the Social Services and/or the Police, any internal Academy enquiries should be held in abeyance until the Social Services/Police have indicated that they have no further involvement.

8. If an external referral is made

- 8.1 The Principal should contact the LADO (Local Authority Designated Officer) at the Social Services office or the Police, as appropriate, to report the allegation.
- 8.2 The Principal should discuss with the LADO what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.
- 8.3 The Principal must inform the Human Resources Director that an allegation relating to a member of staff has been referred. The Human Resources Director with consideration from the Principal will decide the who from within the trust needs to be informed, i.e Chair of the Board. The Principal should not describe the circumstances of the allegation to any members of trust staff unless agreed by the Human Resources Director.

8.4 The Principal should prepare a standard response to queries by Academy parents and the media. The response should indicate that:

- The matter is governed by procedures which the Principal is obliged to follow
- The matter is in the hands of the appropriate agencies and no further comment can be made
- No names can be given for public use

8.5 When inter-agency discussions take place, it is essential that the Principal and Human Resources attend. Should this not be viable a representative will be sent in either absence.

8.6 If there is an investigation by an external agency, for example the police, the CPM would normally be involved in, and contribute to, the inter-agency strategy discussions. The CPM is responsible for ensuring that the Academy gives every assistance to the agency's enquiries. S/he will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The CPM shall advise the member of staff that they should consult with a representative, for example, a trade union.

8.7 When the appropriate agencies have completed their procedures, the Principal and Human Resources Director may decide that an internal investigation should be carried out to establish whether or not the trusts Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Academy must follow the trusts disciplinary procedure. Interviews with children should be kept to a minimum.

9. If an external referral is not made

9.1 An external referral would not normally be made when the Principal is satisfied that students are not at risk of significant harm or that a reportable criminal offence has not been committed.

9.2 An internal investigation should be carried out to establish the circumstances. If the Principal and Human Resources Director decides that disciplinary action may be appropriate, the trusts Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Academy must follow the trusts disciplinary procedure. Interviews with children should be kept to a minimum.

10. Suspension of Staff

10.1 Suspension should not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. Suspension is not a disciplinary action.

10.2 The decision on suspension is for the Principal to take in conjunction with the Human Resources Director. Where external agencies are involved, any decision on suspension should be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.

10.3 Staff who are suspended should be advised that the Human Resources Director is their

point of contact in the Academy. Staff who are suspended should also be advised to contact their teacher association, trade union or other professional body.

10.4 Suspension should only occur for a good reason. For example:

- Where a child or vulnerable adult is at risk
- Where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct
- Where necessary for the good and efficient conduct of the investigation

10.5 The suspended member of staff should be given appropriate support during the period of suspension. They should also be provided with information on progress and developments in the case at regular intervals.

11. Record keeping

11.1 It is important that a clear and comprehensive summary of any allegations made be retained in the member of staff's confidential personnel file. This summary should include:

- Details of how the allegations were followed up and resolved
- A note of any action taken
- Decisions reached

A copy should be provided to the member of staff concerned.

11.2 The CPM is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.

11.3 The CPM should also ensure that a record is maintained of the process followed in handling the allegation. The Principal should verify the accuracy of that record.

11.4 These records must be stored securely.

11.5 If a member of staff is dismissed or resigns before the disciplinary process is completed, s/he should be informed about the statutory duty to inform the National College for Teachers Secretary of State for Education and the Independent Safeguarding Authority (ISA) under the "List 99" procedures. The ISA must also be informed of any disciplinary warning if the member of staff remains employed by the trust.

12. Supporting those involved

12.1 Parents or carers of a student involved should be advised of any allegation(s) as soon as possible. Parents/carers should also be kept informed regarding progress on the case and should be informed of the outcome where there is a criminal prosecution or a disciplinary hearing.

12.2 The Trust/ Academy should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the Police or Children's Social Care are involved, the Principal will not do this until advised to do so by these agencies.

12.3 Any student making an allegation against a member of staff, will be offered a 'support mentor' from within the Trust/ Academy who is not involved in the formal proceedings. Where the allegations are shown to be unfounded, the Academy will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted in which case the Academy may seek advice from Social Services to determine whether or not the student is in need of support from external services. The Academy will continue to provide support to child/children in these circumstances.

12.4 Any member of staff facing an allegation will be offered a 'support mentor' from within the Trust/ Academy who is not involved in the investigation.

13. Confidentiality

13.1 Every effort must be made to guard confidentiality and to protect against any undue publicity. Disclosure of information must have regard to the Data Protection Act.

14. Dealing with False Allegations

14.1 Where there is clear evidence that an allegation was deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the student who made it. If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate

14.2 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Area Child Protection Committee in order that other agencies may act upon the information.

The Principal shall:

- Inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support
- Inform the parents/carers of the alleged victim that the allegation has been made and of the outcome
- Where the allegation was made by a child or vulnerable adult other than the alleged victim, consideration to be given to informing the parents/carers of that child or vulnerable adult
- Prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken

15. Roles and Responsibilities

- 15.1 The Board of Directors are responsible for ensuring that the trust complies with legislation, and that this policy and any related procedures and action plans are implemented.
- 15.2 The Principal and Human Resources Director are responsible for implementing the policy, for ensuring that all staff are aware of their responsibilities, for providing them with appropriate training and support, and for taking appropriate action.
- 15.3 Day to day responsibility for co-ordinating and implementing this policy is with the Academy Principal.
- 15.4 All staff/others are expected to adhere to this policy as required.

16. Monitoring and Review

- 16.1 This policy will be reviewed every two years.
- 16.2 Its outcomes will be assessed by monitoring the Annual Development Plan (ADP).
- 16.3 Its impact and effectiveness will be judged in terms of the positive benefits and any negative consequences arising from its implementation.

17. Dissemination

- 17.1 All policies that need to be conveyed to students, staff and families will be available on the Academy's website.
- 17.2 Staff will be informed about policies during induction and through on-going in-service training.
- 17.3 Those policies that are important for students to be aware of will be promoted through the Student Council and other routes such as Citizenship classes. Key messages from policies will be prominent in the Academy e.g. using displays.