



THE BAY
LEARNING TRUST

Managing Allegations of Abuse Made Against Staff

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Introduction

The Bay Learning Trust is committed to providing the highest level of care for both its students and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of Trust staff, or volunteer in our Academies are dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance 'Keeping Children Safe in Education' 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 students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Executive Headteacher/Headteacher of the relevant Academy immediately or to the Chair of the Local Governing Body (LGB) where the Executive Headteacher/Headteacher is the subject of concern or to the Chair of the Board where the CEO of the Trust is the subject of concern. All allegations will be taken seriously and investigated immediately.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy should be followed when dealing with safeguarding allegations but may be adapted to each case. This policy will be used alongside the Trust's Disciplinary Policy and the Overarching Safeguarding and Child Protection Policy and the Safeguarding and Child Protection Policy of each Academy.

This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at the Academy has:

- behaved in such a way that has harmed a child or may harm a child;
- behaved in any way that suggests they may be unsuitable to work with children and/or may pose a risk to children; and
- possibly committed a criminal offence against or related to a child.

This policy applies regardless of whether the alleged abuse took place in any Trust premises. Allegations against a member of staff who is no longer teaching and historical allegations of abuse will be referred to the police.

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; and
- ensure a fair and thorough investigation for all parties.

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

Definitions for outcomes 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 (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure

Reporting an allegation

All concerns of poor professional behaviour or possible child abuse by staff should be reported immediately to the Executive Headteacher/Headteacher. Complaints about the Executive Headteacher/Headteacher should be reported to the Chair of the Local Governing Body (LGB). Should the allegation be made against the CEO, the Chair of the Board will take the role of the LGB chair.

The Trust understands that staff may be worried that they have misunderstood the situation and they will wonder whether reporting a concern could jeopardise their colleague's career. However, all staff must remember that the welfare of the child is paramount and must report their concerns immediately.

Where a concern has been reported, the Local Authority Designed Officer (LADO) must be contacted to discuss the concern in more detail and agree a course of action. This may include deciding whether:

- further enquiries are necessary to enable a decision on how to proceed;
- no further actions are needed;
- a strategy discussion should take place; and/or
- there should be immediate involvement of the police or social care.

The Academy 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.

The Trust recognises that on occasion, it may be necessary to involve the police before consulting the LADO. In such circumstances, the LADO should be contacted as soon as practicably possible after contacting the police.

Suspensions

The Trust will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. A suspension is a neutral act pending investigation. A suspension will only be considered if it is deemed that the child or other children is or may be at risk of harm, or if the nature of the case is so serious that it might be grounds for dismissal or warrants a criminal investigation. In such cases, the Trust will only suspend an individual if it has considered all other options available and there is no reasonable alternative.

Based on the assessment of risk, the Trust will consider alternatives such as:

- Redeployment within the Academy so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the Academy so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Trust

The Executive Headteacher/Headteacher/Chair of the LGB of the relevant Academy holds the power to suspend an employee but will take appropriate advice as to whether or not a suspension is necessary. Where suspension is necessary the employee will be informed of the reason for the suspension.

Investigation

An investigation into the allegations is normally carried out by the Trust must may be carried out by children's social services. This will be agreed at the initial evaluation stage. Where the Trust is not conducting the investigation it will cooperate with investigative agencies. Any internal processes undertaken by the Trust must be second to any safeguarding investigation and therefore may need to be delayed until the external investigation is complete.

Supporting those involved

1. the parents/carers of the child/children involved:

Parents and carers will be notified if their child makes or is involved in an allegation against staff as soon as possible (if they do not already know). However, if the police or social services are to be involved, the Trust will contact these organisations first to understand what information may or may not be disclosed to the parents/carers.

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. Where the outcome involves disciplinary action being taken against a member of staff, the deliberations and information used for making a decision are usually kept confidential.

Social services and the police may be involved, depending on the severity of the case, and will provide the Trust with advice on what type of additional support the child may need.

Parents must be advised that allegations against a member of staff must be kept confidential whilst under investigation or allegations are considered. It is a criminal offence under s.141F Education Act 2002 to publish any material that may lead to the identification of an accused teacher.

2. The accused Member of Staff/Volunteer:

The Trust has a duty of care to its staff and volunteers and will do everything to minimise the stress of any allegations and any disciplinary process that is taken. The individual who is the subject of the investigation will be informed as soon as the allegation has been made and will be advised on what the next course of action will be. However, if the police or social services are to be involved, the Trust will only share such information with the individual that has been agreed with those agencies. If the person 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 individual facing the allegation or concern will be kept informed of the progress of the matter

And the Trust will ensure that effective support is provided to them, which may include appointing a named representative to keep them updated on a regular basis and considering what other support is appropriate in the circumstances. If it is a criminal investigation and the police are involved, they may provide this additional support.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation and internal process will still continue until an outcome has been reached, with or without the employee's cooperation. However, the individual will be given a full opportunity to make representations in respect of any allegation. Settlement agreements will not be used in situations, which are relevant to this procedure.

Confidentiality

The Trust will make every effort to maintain confidentiality and guard against unwanted publicity during and after an allegation is being investigated or considered.

The Trust will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality

- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises.

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.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the person who has been under investigation along with any notes of actions taken where the allegation or concern is not found to have been malicious. This person should be given a copy of the same information. This will enable the Trust to:

- provide all the necessary information for future schools if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
- prevent unnecessary re-investigation in the future if an allegation resurfaces.

Where records contain information about allegations of sexual abuse, the Trust will preserve this for the Independent Inquiry into Child Sexual Abuse (IICSA) for the term of the enquiry. For all other matters,

The record will be kept, including for people who leave the organisation, at least until the employee reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation. Allegations that are proven to be malicious will not be kept on employment records or used in employee references. The records will be kept by the relevant Academy. Details of any allegation made by a student will be held by the Academy's DSL.

Action on conclusion of the case where the allegation is substantiated

If the investigation results in the dismissal or resignation of an individual or that individual has been charged with a criminal offence, the Trust will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred list is required.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Action where an individual is returning to work after suspension

If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the Trust to ensure that the transition is as smooth as possible.

If the child who made the allegation is still at the Academy, the Academy will also consider what needs to be done to best manage the contact between employee and child.

Action in the case of unsubstantiated or malicious allegations

Where an allegation is proven to be unsubstantiated, the Trust may refer to social services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere.

If an allegation is found to be intentionally factitious and malicious, the Executive Headteacher/Headteacher or other appropriate person will decide whether disciplinary action should be taken against the student or individual who made the false allegation. The Executive Headteacher/Headteacher may wish to include the relevant Academy's LGB when considering what action to take.

The Trust has the power to issue fixed term exclusions or permanent exclusions for students and to take formal disciplinary action, including dismissal for staff members who make false claims, or refer the case to the police if the Trust thinks a criminal offence has been committed. If the claim has been made by a person who is not a student or staff member, the Academy will hand the information over to the police who may take further action against that person.

After the case

After any cases where the allegations are *substantiated*, the relevant Academy 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.

References

When providing employer references, the Trust will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

Related Policies

Academy Safeguarding and Child Protection Policy
Trust Overarching Safeguarding and Child Protection Policy
Disciplinary Policy Whistleblowing Policy