



Allegations of Abuse Against Staff Policy

October 2019

Next review date: December 2022

In dealing with allegations of abuse against employees the statutory guidance Keeping Children Safe in Education needs to be followed in ensuring that children and young people are not at risk of harm as well as supporting employees through the relevant processes.

1. Scope

- 1.1 This policy will be used alongside the Disciplinary Procedure where allegations have been made that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity.
- 1.2 It will be used in respect of all cases in which it is alleged that an employee 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 that they would pose a risk of harm if they work regularly or closely with children.
- 1.3 As with other conduct issues the behaviour of employees outside of work may impact on their role within the Academy / Trust. Therefore if concerns are brought to the Academy's / Trust's attention about an employee's behaviour in regard to their own children or any other child/ children outside of the Academy / Trust, consideration will be given to any implications for children with whom the employee has contact with at work.

2. Initial considerations

- 2.1 Where the Designated Safeguarding Lead (DSL)/Head of School determines that the allegations meet the criteria above they will immediately contact the Designated Officer of the Local Authority¹ and provide them with all relevant information.
- 2.2 The Designated Officer of the Local Authority and the DSL will consider the nature, content and context of the allegation and agree a course of action. The Designated Officer of the Local Authority may ask for further relevant information to be provided or obtained such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children.
- 2.3 Outcomes of initial considerations;
- 2.3.1 No further action by external agencies or the Academy / Trust is to be taken in regard to the individual facing the allegation. The decision and reasons for this will be recorded. The DSL/Head of School will agree with the Designated Officer of the Local Authority what information should be put in writing to the employee and what if any action is appropriate to take in respect of the person making the allegation. After consulting the Designated Officer of the Local Authority, the DSL/Head of School will inform the employee about the allegation and provide them with as much information as possible at the time.
- 2.3.2 No further action by external agencies, but Head of School / CEO determines further action is required and will refer to the Disciplinary Procedure.
- 2.3.3 The Designated Officer of the Local Authority determines that a strategy discussion is needed, or police or Local Authority's social care services need to be involved. The Designated Officer of the Local Authority will coordinate the appropriate arrangements and will inform the DSL/Head of School. The DSL/Head of School should not provide any further information to the employee. The strategy discussion will determine what action will be taken and by whom. The point at which the Academy / Trust can continue with its own disciplinary procedures will be determined. No further investigation should be carried out until agreed through this process.

3. Suspension

- 3.1 Suspension will not be an automatic response when an allegation is reported and alternative arrangements will be considered. The risks of the employee remaining in the Academy / Trust during any process of investigation will be carefully evaluated. In cases where there is cause to suspect children at the Academy are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal the employee will usually be suspended.
- 3.2 Suspension will be managed as per the Disciplinary Procedure.

¹ Formally known as Local Authority Designated Officer (LADO)

- 3.3 The Head of School / CEO will consider the advice of the Local Authority children's social care services or the police with regard to suspension, but will make their own informed decision with regard to the suspension of any employee.

4. Support for Staff

- 4.1 Where an employee is the subject of an allegation of abuse the Academy / Trust recognises that in most circumstances this will be a time of stress and anxiety. Employees are advised to seek support from their trade union representative or an appropriate colleague. If the employee feels it is beneficial a referral to the Academy's/Trust's occupational health provider will be arranged.
- 4.2 The employee will be kept informed of the likely course of action as the case progresses unless there is an objection by the Local Authority social care services or the police.

5. Confidentiality

The provisions in the Disciplinary Procedure regarding confidentiality apply to cases where allegations of abuse are made. The Academy / Trust will make every effort to maintain confidentiality and guard against unwanted publicity. During the process of managing these types of allegation the Academy / Trust will only release information to the wider Academy / Trust community for the purposes of reducing speculation.

6. Investigations

- 6.1 Investigations under the Disciplinary Procedure will not usually commence until agreement from the Designated Officer of the Local Authority and any other external agencies involved in dealing with the allegations have agreed that the Academy / Trust can proceed. The provisions in the Disciplinary Procedure regarding investigations apply where allegations of abuse are made. Those undertaking investigations into allegations of abuse should be alert to any sign or pattern which suggests that the abuse is more widespread or organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.
- 6.2 Interviewing pupils. The Investigating Officer will avoid interviewing pupils unnecessarily. Information will be gathered from the Local Authority social services and the police where available and accessible.
- 6.3 Photographing pupils. The Investigating Officer or any other person at the Academy / Trust will not take photographs of pupils to support allegations of abuse. In cases where the Head of School / CEO determines it appropriate to record injuries to a pupil they will use the appropriate procedure, e.g. body mapping, or refer to the Designated Officer of the Local Authority, the Local Authority social services or the police for advice. Photographs and other information provided by external agencies may be used as a part of the investigation process if appropriate and authorised by the relevant agency.

7. Possible outcomes²

On the conclusion of the investigation one of the following four outcomes will be determined:

- Substantiated: there is sufficient evidence to prove the allegation (on the balance of probability)
- 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: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.

8. Malicious allegations

The Academy/Trust consider the making of malicious allegations to be unacceptable. Any allegations found to not have been made in good faith by a pupil, parent, other employee or any other person may

result in action being taken. Any allegation that is found to be malicious will be removed from the file of the employee that has been accused.

9. Records and references

A record of the allegations, any investigation and the outcome will be kept on the employee's file, in accordance with our data protection policy and our Records Management Destruction Policy which complies with the requirements of Data Protection Legislation. The employee will be provided with copies of any records held. These records will remain on file until normal retirement age or for a period of 10 years from the date of the allegation if that is longer. Details of allegations that are proven to be false, unsubstantiated or malicious will not be referred to in any reference that the Academy/Trust provides for the employee concerned.

10. Approval and review

Approved by the Finance, Audit, HR and Pay Committee of NET Academies Trust in December 2019

Date for Review: December 2022