



# The MAST Academy Trust

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| <b>Policy</b>                                  | Statement of procedures for dealing with allegations of abuse against staff |               |
| <b>Owner</b>                                   | The Mast Executive Administrator  |               |
| <b>Date approved</b>                           | 26 <sup>th</sup> May 2021   |               |
| <b>Approver</b>                                | Trust Board   |               |
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| <b>Next review due</b> | Summer term 2022 |
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| <b>Objective of Policy</b>   |
| <p>This statement details the process that the Mast Academy Trust will follow in relation to allegations of abuse against staff.</p> <p>This policy will be applied in a fair and consistent way. It applies to all employees/volunteers within the Trust.</p> |

| Version Control |  |
|-----------------|--|
| Version Number  | Summary of amends from previous version  |
| 1.0             | Development of policy  |
| 2.0             | Annual Review; adjustments to wording throughout following unions consultation |
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| Sign off requirements |        |              |      |
|-----------------------|--------|--------------|------|
| Approvers             |        | Position     |      |
| Staffing Committee    |        | Trust Board  |      |
| Reviewers             |        | Position     |      |
| Natasha Greenough     |        | CEO The MAST |      |
| Anthony Wilkinson     |        | Trustee      |      |
| Unions consulted      |        |              |      |
| ASCL                  | GMB    | NEU, (ATL)   | NAHT |
| NASUWT                | UNISON | UNITE        |      |

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## 1.0 Purpose

This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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 might pose a risk of harm to children

It applies regardless of whether the alleged abuse took place in school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

The Trust will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. Our procedures for dealing with allegations will be applied with common sense and judgement.

## 2.0 Procedure for dealing with allegations

In the event of an allegation that meets the criteria above (refer Section 1.0).

### Initial action to be taken:

- The person who has received an allegation or witnessed an event will immediately inform the Headteacher.
- In the event that an allegation is made against the Headteacher the matter will be reported to the Chair of Governors who will seek advice from the CEO, who will proceed as the 'Headteacher'. If the CEO is the Headteacher a Senior member of the Trust will be appointed to lead; who will proceed to act in accordance with the determined actions of 'the Headteacher' in relation to this policy. Should the CEO be the staff member, a Senior member of the Trust will be appointed to lead.
- The Headteacher will take steps, where necessary, to secure the immediate safety of children and any urgent medical needs.
- The member of staff will not be approached at this stage unless it is necessary to address the immediate safety of children.
- The Headteacher may need to clarify any information, before instigating the policy actions, regarding the allegation; however no person will be interviewed at this stage.
- The Headteacher (or CEO if the allegation is about the Headteacher) will consult with the Local Authority Designated Officer for Child Protection immediately, in order to determine if it is appropriate for the allegation to be dealt with by school or whether there needs to be a multi-agency response to the matter.

- Information will be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes and will be managed confidentially.
- The needs of the child or children will remain at the centre of all action taken. With this in mind, any referral to the Local Authority Designated Officer should also be accompanied by consultation with Kirklees Duty and Advice Team. This is to establish from the outset whether the concerns identified meet the threshold for a Section 47 child protection investigation and/or the police in respect of any criminal investigation.
- Consideration will be given throughout to the support and information needs of students, parents, staff and the employee the subject of the allegation. This may include:
  - Schools Advisory Service well-being support alongside a designated contact in school for the member of staff.
  - Counselling and pastoral support for children
  - Signposted support for families to relevant charities and organisations
  - employees having access to union representation or nominated colleague representative whilst the allegations are being investigated
- The headteacher will inform the Directors (Trustees) and Local Governing Body of any allegation against a member of staff.
- If consideration needs to be given to the individual's employment and immediate management of risk, advice will be sought from MAST HR advisors and/or legal team.
- Consult with strategy team regarding the appropriate PR strategy.
- Give careful consideration to who will be the investigating officer and the officer that will hear the evidence in order to have the scope to offer an independent panel for any appeal. The investigating officer will be supported through the HR team.

### Following Action

- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the Trustee(s), police and/or children's social care services, as appropriate
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the Governors/Trustee(s). The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, this will include the details of alternatives considered. If possible, an individual can have their union representative present if suspension is likely to be evoked, but if this is not possible, the process will not be delayed. The

individual will be given a named contact at the school and their contact details, this person will be the confidential contact for the member of staff.

- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the Governors/Trustee(s) what information should be put in writing to the individual, and by whom, within 3 working days. As well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the Trustee(s) to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. The individual facing the allegation will also be advised to contact their trade union, in addition to the Trusts Medical/Well being support services.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The investigating officer will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case (information shared will be limited by regulatory requirements)
- In accordance with the designated referral processes, make a referral to the DBS and TRA where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child, regardless of whether the individual chooses to leave his/her employment. Refer to the Disciplinary Policy on the Trust website
- In schools that provide early year provision; we will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made
- Compromises will not be used, e.g. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

If the school is made aware that the secretary of state has made an interim

prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the Trust/governing board will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **3.0 Suspension**

When the Trust/school is in receipt of an allegation it will consider the alleged circumstances and any alternative working arrangements, not limited to but including suspension, that may need to be put in place.

Suspension will only be considered in cases where there is a possibility to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, the Trust will only suspend an individual if they have considered all other options available and there is no reasonable alternative, this will be explained to the employee. The employee can have their trade union representative present if they wish where a suspension is being considered.

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

- Redeployment within the school 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 school 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 Mast Academy Trust

### **4.0 Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days; 10 working days notice will be given.

## 5.0 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

## 6.0 Specific actions

### 6.1 Action following a criminal investigation or prosecution

The investigating officer will discuss with the Trustee(s) whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### 6.2 Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the investigating officer and the school's personnel adviser will discuss with the Trustee(s) whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the investigating officer and personnel adviser will discuss with the Trustee(s) whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### 6.3 Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the investigating officer will consider how best to facilitate this.

The investigating officer will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

The communication strategy around the absence from work will be agreed with the employee and their representative along with any ongoing support that is required for the employee.

### 6.4 Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

## 7.0 Record-keeping

The investigating officer will maintain clear records about any case where the

allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, the Trust will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. The Trust will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file and paper copies securely destroyed.

## **8.0 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.

## **9.0 Investigation**

If an investigation is required the Trust would follow the investigation process as outlined in The Mast Academy Trust Disciplinary Policy found on the [Trust website](#)

## **10.0 Learning lessons**

After any cases where the allegations are *substantiated*, the Trust will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

## **11.0 Confidentiality**

The school will make every effort to maintain confidentiality, comply with associated



data protection requirements and guard against unwanted publicity while an allegation is being investigated or considered.

The investigating officer will take advice from the Trustee(s), 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