

Shireland Collegiate Academy Trust Policy

# Allegations of Abuse Against Staff

<b>Committee and Date Approved</b>	Resources Board – December 2020
<b>Category</b>	Recommended
<b>Next Review Date</b>	Every two years unless change in legislation – <b>Autumn 2022</b>
<b>Policy Availability</b>	Trust Website
<b>Officer Responsible</b>	HR Director of the Trust

**The Trust, all Academies within the Trust and Shireland Learning Limited must comply with this policy.**

## Contents

Introduction.....	3
Purpose .....	3
Timescale .....	4
Procedure .....	4
Reporting an allegation .....	4
Investigation .....	4
Supporting those involved .....	5
Confidentiality .....	6
Suspensions.....	6
Resignations.....	7
Action on conclusion of the case .....	7
Action in the case of false or malicious allegations .....	7
Record keeping .....	7
After the case .....	8

**Shireland Collegiate Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.**

## Introduction

Shireland Collegiate Academy Trust is committed to providing the highest level of care for both its students/pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, including agency staff, or volunteer in our academies/schools is 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 from the Department for Education.

This policy is designed to ensure that all staff, students/pupils and families/carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible.

We hope that having a clear policy outlined will help students/pupils to feel comfortable that they can voice concerns about any member of staff. Allegations must be reported to the Principal who will immediately inform the Human Resources Director, allegations against Central Trust staff/Shireland Learning staff must be reported to the Human Resources Director who will inform the Chief Executive Officer/Chief Operating Officer as appropriate. 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 must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the Trust's complaints policy, child protection policy and disciplinary procedure.

This policy will be used in any case where it is suspected or alleged that a member of staff, including agency staff or a volunteer at the school/Trust has:

- behaved in such a way that may have harmed a child or may have harmed a child (our **Child Protection Policy** outlines what it means to harm 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 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

## Timescale

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- minimise stress to the employee concerned
- 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.

## Procedure

### Reporting an allegation

All allegations made against staff should be reported **immediately** to the Principal who will inform the Human Resources Director. Complaints about the Principal should be reported to the Chief Executive Officer or HR Director, Complaints about the Chief Executive Officer should be reported to the HR Director/Chair of the Academy Trust Board who will then contact the Local Authority Designated Officer (LADO).

Staff who are concerned about the conduct of a colleague towards a pupil/student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. **All staff must remember that the welfare of the child is paramount and must report their concerns immediately.**

The designated officer will be contacted by HR Director and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

The Academy/Trust will share available information with the designated officer 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 to the discussion and could include representatives from health, social care and police.

### Investigation

The member of staff receiving the disclosure must not attempt to investigate the allegation but provide a full written account of what the child has said, this account should be dated

and signed. The child should not be requested to write anything down as this may compromise any subsequent police action.

An investigation into the allegation is normally carried out by children's social services or by the Academy/Trust. This will be agreed at the initial evaluation stage. Where the Academy/Trust is not conducting the investigation, it will cooperate with investigative agencies.

Internal investigations by the Academy/Trust must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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

In no circumstances would the Academy/Trust 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.

## Supporting those involved

### The person(s) who makes the allegation and their family/carers

Families/carers will be notified if their child makes or is involved in an allegation against a member of staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the family/carers. Family 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. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.

Social services and the police may be involved and will provide the Academy/Trust with advice on what type of additional support the child may need.

The Academy Trust's **whistleblowing policy** enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

## The employee

The Academy/Trust has a duty of care to its employees and will do everything to minimise the stress of any allegation and any subsequent disciplinary process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the LADO. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The employee will be kept informed of the progress of the case and any other work-related issues.

Any member of staff who is subject to an allegation and/or subsequently suspended is encouraged to seek advice and support at the earliest opportunity from their trade union.

During a period of suspension, a member of the senior team will act as contact officer for the member of staff.

In addition to this information on the Employee Assistance Programme will be provided by the Human Resources Team. The employee may need additional support and the Academy Trust will consider what might be appropriate to best accommodate this.

## Confidentiality

The Academy/Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

## Suspensions

The Academy/Trust will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case it may be possible that alternative arrangements are made so that the individual can continue working.

The Chief Executive Officer/Principal holds the power to suspend an employee but will consider the advice of the police and or social care regarding suspension.

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.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

## Resignations

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

Settlement agreements will not be used in situations which are relevant to these procedures.

## Action on conclusion of the case

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services or the agency staff member's services as a result of the allegation, the Academy/Trust will consider whether a referral must be made to the DBS and/or to the TRA as appropriate.

If it is decided that the employee may return to work after a suspension, then provisions will be put in place by the Trust/Academy to ensure that the transition is as smooth as possible. This may involve a phased return for a fixed period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

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.

## Action in the case of false or malicious allegations

Where an allegation is proved to be false, the Chief Executive Officer/Principal may refer to social services to determine whether the child is in need of support or has been abused by someone else.

The **behaviour policy** sets out the disciplinary action that may be taken against students/pupils who are found to have made malicious accusations against staff.

If the claim has been made by a person who is not a pupil, the Academy Trust /Academy may pass the information to the police who may take further action against that person.

## Record keeping

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file. The record will be kept, including for people who leave the

organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

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

### **After the case**

No matter what the outcome is of an allegation of abuse against staff, including agency staff, the Trust /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 deal with cases in the future.