



LIFE Education Trust

ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

Policy	Allegations of Abuse Against Staff Policy
Staff consulted on Allegations of Abuse Against Staff Policy	21.9.20
Policy adopted by Trust Board	10.11.20
Reported to LGBs for implementation	25.11.20
Implementation Date	25.11.20
Review Date	Sept 2023
Policy Source	Own Source

Introduction

The Trust is committed to providing the highest level of care for both its students and staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff (including contractors/consultants), or volunteer in our trust 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 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 Headteacher immediately or to the Chair of the Local Governing Body where the Headteacher 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 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 and Child Protection Policy.

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 school has:

- Behaved in such a way that may have harmed a child or may have intended to harm a child. Our Child Protection Policy outlines what it means to harm a child.
- Acted outside of the law in relation to dealings with a child
- Behaved in any way that suggests they may be unsuitable to work with children

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
- 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 concerns of poor practice or possible child abuse by staff should be reported immediately to the Headteacher. Complaints about the Headteacher should be reported to the Chair of the Local Governing Body who will then contact the Designated Officer of the Local Authority and notify the Trust CEO or Chair of the Trust (where the Headteacher is also the CEO) Staff who are concerned about the conduct of a colleague towards a 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 of the Local Authority will be contacted by the Headteacher/Designated Safeguarding Lead/ Chair of the Local Governing Body and a discussion will take place to decide whether:

- No further actions are needed
- A strategy discussion should take place
- There should be immediate involvement of the police or social care.

The school will share available information with the Designated Officer of the Local Authority 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 and could include representatives from health, social care, the GP and police (Designated Officer of the Local Authority Lisa Kennedy, on 01708 433584).

Investigation

An investigation into the allegations is normally carried out by children's social services or by the school. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation it will co-operate with investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The person(s) who makes the allegation and their parents/carers:

Parents and carers will be notified if their child makes or is involved in an allegation against 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 parents. 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. 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, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

The Trust's Confidential Reporting (Whistleblowing) Policy which is made available on the staff drive, enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The Employee:

The Trust has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Headteacher has spoken to the Chair of the Local Governing Body. 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 named representative will keep the subject of the allegation informed of the progress of the case and other work-related issues. If that person has been suspended, they will keep them

informed of any developments from school. If the employee is a member of a union or other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the school should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support. The school 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. 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.

Suspensions

The school 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, but is removed from the student making the allegation. A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation or if the case is so serious that it might be grounds for dismissal. The Headteacher / Chair of the Local Governing Body holds the power to suspend an employee but will be advised by the police and /or social care whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension. Suspension is a neutral act and does not infer guilt on any party.

Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's co-operation. They will be given full opportunity to answer the allegation. Settlement agreements will not be used in situation which are relevant to these procedures.

This policy also applies to members of staff who are no longer employed by the school and historical allegations will be referred to the police.

Additional considerations for supply staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome

The governing board will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation

We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the local authority designated officer as required

We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

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

Record Keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the school 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 re-surfaces.

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

Action on conclusion of the case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the school to the Independent Safeguarding Authority. The school will be advised on this by the police and/or social services. If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial 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.

Action in the case of false allegations

Where an allegation is proven to be false, the Headteacher and Chair of the Local Governing Body may refer to social services to determine whether a 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 Headteacher will decide what the proper sanction will be for the student who made the false allegation. The school's behaviour policy sets out the disciplinary action that will be taken against students who are found to have made malicious accusations against school staff. The Headteacher may wish to include the school governors when considering what action to take. The school has the power to suspend or expel students who make false claims, or refer the case to the police if the school thinks a criminal offence has been committed. If the claim has been made by a person who is not a student, the school will hand the information over to the police who may take further action against that person.

After the Case

No matter what the outcome is of an allegation of abuse against staff, the school 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.