



Allegations of Abuse against Staff Policy and Procedures

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Panel Responsible:	MAT Board
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Policy Management:	CEO

Allegations of Abuse against Staff Policy and Procedures

1 AIM OF THIS POLICY

St Christopher's Primary Multi Academy Trust (Hereafter known as 'the MAT') has put this policy in place in accordance with current statutory guidance namely;

- Working Together to Safeguard Children (2015)
- Safeguarding Children and Safer Recruitment in Education (2006) specifically Chapter 5 which is relevant for the purpose of s157 and s175 of the Education Act 2002
- Safeguarding Vulnerable Groups Act 2006 and

This policy ensures an effective framework to manage allegations against staff and is consistent with the MAT/LA policies and procedures. The investigations and outcome may indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. This policy will ensure that any allegation of abuse made against a teacher, other member of staff or volunteer in an education setting is dealt with fairly, quickly and consistently in a way that provides effective action to protect the child or children, support the individual(s) who are the subject of the allegation and ensure a fair outcome for all concerned. Details of the complaint will be regarded as strictly confidential and will not be extended beyond those involved in the investigation to date. Whilst the Headteacher is responsible for ensuring that confidentiality is maintained within the Academy at all times the Designated Director of the MAT and the CEO must be informed of proceedings.

Such is the importance of this policy that all staff and volunteers will be provided with direct access to a copy, and all new starters will be directed to a copy notice of which will be incorporated into the school induction pack for all new starters. This will ensure that all staff and volunteers understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour or conduct of another member of staff or indeed if they are subject to an allegation themselves.

2. Allegations

Allegations may be made in a number of ways:

- Direct disclosure by the child or young person
- Indirect disclosure i.e. through written work, behaviour or art (especially relevant for children with SEN and disabilities)
- Complaints from parents
- Complaints to the police from parents, children or young people
- Reports by other colleagues or agencies

In accordance with statutory guidance, action will be taken where an allegation is made against anyone who:

- has behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or in relation to a child
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

or where

- Concerns arise about the person's behaviour with regard to his/her own children.
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.

Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by care services or police. As an employer, St Christopher's Multi Academy Trust has a duty of care to our staff and we will strive to manage and minimise the stress inherent in the investigative process. The Headteacher will arrange appropriate support i.e. an appropriate member of the senior leadership team not involved in the investigative process, to be assigned to support any individual subject to an allegation.

3. Appropriate and Unacceptable Behaviour

The MAT expects the highest standards of behaviour for our staff, both within and outside each of the academies, to ensure that the welfare of children is promoted and safeguarded. What constitutes appropriate or unacceptable/inappropriate behaviour will vary depending upon the context and nature of the work undertaken. The employer has a responsibility to set personal and professional boundaries for the MAT staff and will be explicit about what behaviours are illegal, inappropriate or unacceptable.

The MAT has adopted the DCSF Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (March 2009). Working Together to Safeguard Children (2015) states that "it is important that even apparently less serious allegations are seen to be followed and that they are examined objectively by someone independent of the organisation concerned" (Appendix 5, para.13) and established the role of Local Authority Designated Officer (LADO) whose responsibilities include:

- Management and oversight of individual cases
- Provision of advice and guidance to employers and voluntary organisation
- Liaison with the police
- Monitoring the progress of all cases to ensure that they are dealt with as quickly and consistently as possible

4. Procedures to be followed should an allegation be made:

4.1 Initial Allegation made to the Academy

Any allegation of abuse by a member of staff against a pupil must be reported immediately to the Headteacher, or in their absence the Deputy Headteacher. If neither of these are available to the Academy's Designated Officer for Safeguarding.

If the initial allegation is first made to any other member of staff, then that member of staff must:

- request the person raising the allegation to report it to the Headteacher as outlined above. If they refuse or are unable to pass the information on they have the responsibility to pass details of the allegation to the Headteacher themselves.

If the allegation is made against the Headteacher then this must be brought to the attention of the Chair of Governors and the MAT CEO immediately. In such cases where the policy

refers to the involvement of the Headteacher then “the CEO” should be substituted for “the Headteacher”.

5. Immediate Response to the Allegation

The pupil making the allegation should not be left alone or with other pupils until there have been consultations with the Headteacher/Academy Safeguarding Officer and a course of action has been agreed, including the appropriateness of the pupil remaining in the Academy. The following must be adhered to:

- The member of staff receiving the complaint must not seek to investigate the allegation themselves or interview pupils.
- Where possible, details of the allegation should be obtained in writing, signed and dated by the person receiving the allegation and the pupil or person who is making the allegation. (The statement can either be completed by the individual or on their behalf but all statements must be countersigned by the person giving the statement as a true record).

6. Initial Consideration of Allegation

Should the allegation meet any of the following criteria then the Headteacher will report the allegation to the Local Authority Designated Officer (LADO) immediately the allegation is received (the Headteacher will not investigate at this stage). Outlining that:

- a teacher, member of staff or a volunteer in the Academy:
 - has behaved in a way that has harmed a pupil, or may have harmed a pupil
 - has possibly committed a criminal offence against or related to a pupil
 - has behaved towards a pupil or pupils in a way that indicates s/he is unsuitable to work with children

The Headteacher or the designated person will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. In these circumstances the Academy will not act before receiving advice from the LADO on the appropriate action that needs to be taken.

If the allegation is not patently false and there is cause to suspect that a pupil may be suffering or is likely to suffer significant harm, the LADO will make the decision whether or not to call a strategy meeting, in accordance with Working Together to Safeguard Children guidance. If a strategy meeting is called it will be led by the LADO who will also invite representation from the Academy. If there is not cause to suspect that “significant harm” is an issue, but a criminal offence might have been committed, the LADO may inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the Academy and any other agencies involved with the pupil.

7. Action Following Initial Consideration

7.1 Where the initial consideration decides that the allegation does not involve any of the criteria in section 2 and does not involve a possible criminal offence, it will be for the Academy to deal with **referring to the MAT Disciplinary Policy**. On conclusion of the investigation a report will be produced for the Headteacher by the LADO and recommendations made in relation to future action. Consideration should be given to the need to refer back to child protection procedures, consider suspension and/or refer the report under disciplinary procedures. Where disciplinary action is being considered there will

be consultation with the Trust Human Resources advisers. The Headteacher will retain records of the investigation, including statements, in a secure and confidential system.

On consideration of the report the designated officer will write to the parent/carer of the pupil involved and the staff involved informing them of the outcome of the investigation. A copy of both of these letters will be sent to the Headteacher. In some situations the designated officer for allegations will discuss specific courses of action which may assist in the prevention of similar situations occurring

7.2 Where the initial consideration decides that the allegation DOES involve any of the criteria in section 2 and may involve a criminal offence, a strategy meeting will be called by the LADO as outlined in the previous section.

7.2.1 Possible use of Suspension

Working Together to Safeguard Children (2015) states that suspension should be considered in every case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants investigation by the police
- The allegation is so serious that it might be grounds for dismissal

Suspension is not an automatic response to an allegation and consideration of suspension will not be taken until discussions have taken place with other agencies and the MAT's Human Resources Advisor.

8.0 Possible Action Following Investigation

If it is agreed, following investigation, that **no further action** is required, the Headteacher will:

- i. inform the parent/carer of the pupil, in writing, of the allegation and outcome, i.e. a decision to take no further action and/or a view that there has been a false allegation
- ii. determine whether the pupil needs further support or whether the allegation could be an indicator of other concerns (eg abuse elsewhere).
- iii. inform the member of staff, verbally and in writing, that an allegation has been made but that no further action under disciplinary or child protection procedures will be taken. The employee may have a workplace colleague or representative present during this discussion.
- iv. consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take. Make arrangements to offer such appropriate support to the employee.
- v. consider appropriate counselling and support for the pupil and parent/carer, particularly where a false or malicious allegation has been made. The need for appropriate disciplinary action against the pupil should be considered at this stage.
- vi. prepare a report, to be copied to the employee, giving reasons for the conclusion that the allegation is without foundation and stating the action taken, as above.
- vii. clearly state on the member of staff's record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary.
- viii. give consideration to what action is required to avoid a repeat of the allegation, i.e. is a planned transfer appropriate?

Nb. It should be understood that, where a police investigation has been undertaken, the outcome may be that there is “insufficient evidence to proceed”. It is normal for this to be the only recorded statement made by the police where they have not taken any further action against a person against whom allegations have been made.

9.0 Actions on Completion of the Investigation by the LADO

On completion of the Child Protection investigation there should be a review meeting between appropriate staff in the Local Authority, police, the Headteacher, the Chair of Governors/the CEO and the Academy Human Resources adviser to share findings:

- to consider the possible prosecution of the alleged perpetrator and internal disciplinary procedures
- to consider communication to the parents

The LADO will liaise with the Headteacher and others involved in the review to discuss the findings of the investigation with them. It is then for the Headteacher, in consultation with the relevant officers, to determine the appropriate course of any further action. In some circumstances this could lead to disciplinary action. If this is the case the Headteacher will need to liaise with the Academy Human Resources advisers.

The designated person will then write to the alleged perpetrator, parents and Headteacher informing them of the outcome of the investigation. If the police and/or the Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should, wherever possible, aim to pass all information they have which may be relevant to a disciplinary case to the Headteacher within three working days of the decision. In those circumstances the Headteacher and the LADO should proceed as described above outlined sections 6 & 7. If Children's Social Care have undertaken enquiries to determine whether the pupil or pupils are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the Academy and the Headteacher should request this information.

10. Referral to the Department for Education

If, on conclusion of the case, the Academy ceases to use the person's services, or the person ceases to provide his or her services, the Academy should make a referral to the Department for Education. The report should be made within one month by the Academy.

11. Support for the Member of Staff

Being the subject of an allegation is likely to cause distress to the member of staff. It can also cause distress to the wider Academy community. The Headteacher must provide support and help the employee to find external support as required.

When a member of staff is suspended the Academy will also offer a link to a named member of staff to keep them informed of the status of any investigation. Employees will also be advised to seek advice from their professional association if appropriate. The Academy may offer counseling to the staff member through, for example, the MAT's Occupational Health Advisers.

12. Confidentiality

Every effort will be made to maintain confidentiality and guard against unwanted publicity both for the school and the individual concerned, whilst an allegation is being investigated. In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media unless and until the individual is

charged with a criminal offence and the Press Complaints Commission also provides safeguards against the publication of inaccurate and misleading information.

13. Resignations and Compromise Agreements

Every effort will be made to reach a conclusion in all cases of an allegation having a bearing on the welfare of children and the suitability of the individual to continue to work in an educational establishment.

In cases whereby an individual refuses to cooperate with the process, they will be given reasonable opportunity to provide a response to the allegation and make full representation. The process of investigating the allegation and reaching a judgement will continue even if the person does not cooperate.

Should an individual who is the subject of an allegation, tender their resignation or cease to provide their services, this will not prevent an allegation being followed up and concluded in accordance with the procedures set out in this policy.

So called "compromise agreements" whereby an individual agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future reference requests will not be entered into by the MAT in any circumstances where an allegation has been made and is under investigation, or the investigation has been completed and the individual has not been fully cleared.

Record Keeping

St Christopher's Multi Academy Trust will, in accordance with Safeguarding Children and Safer Recruitment in Education (2006) will maintain a clear and comprehensive summary of any allegation. The Investigating Officer will:

- detail how the allegation was followed up and resolved
- make a note of action taken
- and decisions reached

The summary will be kept on the individual's personnel file and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given, prevent unnecessary re-investigation should such an allegation re-surface after a period of time or provide information in response to any future request for a reference if the individual leaves the MAT's employment. In addition it provides clarification in cases where a future DBS reveals information from the police in respect of an allegation that doesn't result in a criminal conviction. This record will be retained until the individual has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Notifying the Independent Safeguarding Authority

The Safeguarding Vulnerable Groups Act 2006 defines the scope of the Vetting and Barring Scheme which is administered by the Independent Safeguarding Authority.

Employers and service providers must refer information to the ISA when they have dismissed an individual or an individual resigns because they harmed, or may harm, a child or vulnerable adult. It is the role of the ISA to determine whether an individual should be barred from working with children and/or vulnerable adults. ISA will inform professional and regulatory bodies when it bars someone so that their professional registration can also be reviewed. In certain circumstances a referral may be made to regulatory bodies in addition to

ISA as their conduct is considered to be inconsistent with their code of conduct and regulatory standards.

In circumstances whereby an individual would or could have been sacked on grounds that could lead to barring, they must be referred to ISA even if the individual has stopped working or providing their services.

Review Framework

This policy will be reviewed annually (or sooner in the event of revised legislation guidance) and will be considered alongside other relevant policies and procedures which interface and inform one another for example:

- Code of Conduct
- Safeguarding and child protection policy
- All human resources policies and procedures

Policy History			
Date	Action	Ratification Date	Author
June 2016	Policy re-written considering current legislation	July 1 st 2016	Gill Kendrick