



Carlton Academy Trust Policy for Dealing with Allegations of Abuse Against Staff, Contractors and Volunteers

Ratified by the Trust Board (date:)

Sept 2020

Signed on behalf of trust board:

R Butterfield

Signed on behalf of Chief Executive Officer:

A Kneeshaw

Next Review date:

Sept 2021

Scope of Policy

This policy applies to all cases in which it is alleged that a current member of staff, contractor 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 they pose a risk of harm to children.

It applies regardless of whether the alleged abuse took place in or out of school.

Allegations against a member of staff who is no longer employed by the trust will be referred to the police.

We 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. Any subsequent reference to 'staff' in this policy will also include volunteers and contractors.

Legal Context

The framework for managing cases of allegations of abuse against people who work with children is set out in 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children' (July 2018), which provides an overview of how allegations should be handled. It is relevant for the purposes of Section.157 and Section175 of the Education Act 2002.

Other Legislation and Guidance:

The Children's Act 1989.

Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education (FE) sector)

Section 157 of the Education Act 2002

The Education (Independent School Standards) (England) Regulations 2015

The Children's Act 2004

Section 11 of the Children's Act 2004 (other agencies)

Keeping Children Safe in Education 2019

Procedure for Dealing with Allegations

Initial Allegation to Academy

Any allegation of abuse by a member of staff concerning a student must be reported to the Head of School. If an allegation involves the Head of School, it should be reported to the Chief Executive Officer (CEO). Should it relate to the CEO, it should be directed to the Chair of Trust Board.

Should the allegation meet any of the following criteria then the Head of School should ensure that it is reported to the Local Authority Designated Officer (LADO):

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 they pose/may pose a risk to children.

Initial Consideration

The Head of School or school Designated Safeguarding Lead (DSL) will discuss the matter with the LADO. This will consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services.

The school may, on occasion, consider it necessary to involve the police before consulting the LADO such as when the member of staff is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the LADO will be notified as soon as practicably possible after contacting the police.

The member of staff should then be informed of the concerns, allegations and likely course of action as soon as possible after speaking to the LADO. Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.

Actions Following Initial Consideration

Further Action Needed

If it is decided that further action is needed, the school should take appropriate steps as agreed with the LADO, liaising with the police and/or children's social care services as appropriate. This could dictate a criminal process ran in parallel with a school disciplinary process, or that disciplinary proceedings should be suspended until police investigations have been completed. In the latter circumstances, once completed the trust/school can use this information to take appropriate action, in conjunction with advice from the LADO.

If a disciplinary process is needed, and can be held without further investigation, it should be held within 15 working days. Where further investigation is required, the Head of School should discuss with the LADO who would be appropriate to assist with this. An investigating Officer will be appointed and, in some circumstances, it may be appropriate for this to be someone who is independent of the school. When appointed, the investigating officer should aim to provide a report within ten working days. On receipt of the report, the Head of School and Chair of Trustees should consult the LADO within two working days and decide whether a disciplinary hearing is needed. If a hearing is needed it should be held within 15 working days.

Outcomes of Allegation Investigations

Investigations can have the following outcomes:

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

When an allegation is made against a supply teacher, contractor or volunteer, the school may not be involved in disciplinary procedures, but will co-operate with the investigation.

Suspension of Staff

Suspension of the staff member should only be considered in cases where:

There is cause to suspect a child or children are at risk of significant harm.

The allegation warrants investigation by the police, or is so serious that it may be grounds for dismissal.

Suspension should not be automatic or made without careful thought to the circumstances of the case. The academy should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements such as redeployment, and the potential reputational damage to staff that can result from suspension where an allegation is unfounded or malicious. The reasons and rationale for suspension should be recorded.

Effective support will be provided to the member of staff, including appointing a named representative to keep them informed of the progress of the case and considering what other relevant support is appropriate.

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, consideration will be given as how best to facilitate this. Consideration will also be given as how best to manage the individual's contact with the child/children who made the allegation, if they are still attending the school.

No Further Action Needed

Where it is decided that the allegation does not involve a possible criminal offence, the school will then be given authority to deal with the allegation. If the allegation does not require disciplinary procedures, appropriate actions should be made within 3 working days.

Referral to Disclosure and Barring Service/ (DBS) Teacher Regulation Agency (TRA)

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 case manager and the school's personnel adviser will discuss with the designated officer 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 case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of a member of staff, the school will immediately suspend that person from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Keeping Records

It is important that a clear and comprehensive record of any allegation is made, which should include:

- Details of the allegations
- Details of how the allegations were followed up and resolved
- Notes of any action taken
- Decisions reached

The record should be kept on the member of staff's personnel file, and a copy provided to the member of staff concerned. This enables accurate information to be given in response to any future reference request should the individual leave employment at the academy or the Disclosure and Barring Service (DBS) makes requests for further information. The record should be retained until normal retirement age or for ten years, whichever is the shortest period of time.

Confidentiality

Confidentiality should be maintained whenever an allegation is made. However, there may be a need to share information with relevant agencies, for example at a strategy meeting as outlined above, on a need-to-know basis.

Action in Respect of False Allegations

Action may be taken through internal school/trust systems and/or referred to the police where deemed appropriate. The member of staff should also be informed without delay, with appropriate documentation on their personnel file to confirm this.

Learning Lessons

Lessons can be learned whatever the outcome. At the conclusion of a case, relevant parties should discuss what can be learned and therefore lead to improved practice, either to the academy procedures or to help prevent similar events in the future. The LADO, Head of School and DSL should be involved in this review process.

Information Sharing

In a strategy meeting or initial evaluation of the case, the agencies concerned must share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim. Staff attending the strategy meeting should be prepared with the appropriate information – e.g. full name, address, when DBS check was completed, start date, involvement in youth activities, children of their own, and any other information which could be helpful. As per procedures, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the academy for disciplinary purposes. This should be done as their investigation proceeds rather than after it has concluded. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case. Children's social services should adopt a similar procedure when making enquiries to determine whether the student named in the allegation is in need of protection or services, so that any information obtained in the course of those enquiries, which is relevant to a disciplinary case, can be passed to the academy without delay.

Resignations and 'Compromise or Settlement Agreements'

It is important that every effort is made to make a full investigation in all cases relating to the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process or tenders their resignation. Should they resign, it may be difficult to reach a conclusion or apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

Compromise or settlement agreements, where a person agrees to resign if the academy agrees not to pursue disciplinary action, can't be used or to override the statutory duty to make a referral to the police, DBS or TRA where relevant.

Supporting those Involved

The academy has a duty of care to their employees and should act to manage and minimise the stress inherent in the allegations and disciplinary process. They should be informed of concerns or allegations and given an explanation of the likely course of action, as soon as permission is granted to do this by the police or local authority children's care services.

The academy should appoint an impartial named representative to keep them informed of progress and consider what other support may be appropriate for the member of staff under investigation.

Parents or carers of an involved child should be told about the allegation as soon as reasonably possible. However, where a strategy discussion is required, or the police or local authority children's social care services need to be involved, the Head of School should not do so until these agencies have been consulted and have agreed what information can be disclosed to the parents. They should also be kept informed of progress and told the outcome where there is a criminal prosecution or disciplinary process. In doing this, careful consideration should be given to relevant legislation, such as GDPR and Human Rights.

Any child/children making an allegation will be offered a support person from the Academy, who is impartial and not involved in the investigation. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care services or the police, as appropriate, should consider what support they may need.

Where the police are involved, wherever possible the Academy Trust 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.

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer 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.

Conclusion of a case where the allegation is substantiated

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.