

# Managing Allegations of Abuse Against Staff

**Bolder Academy**

MacFarlane Lane, Isleworth, Middlesex TW7 5PN

Registered in England and Wales No: 08932893

Managing Allegations of Abuse Against Staff Policy V1

<b>This policy is called:</b>	<b>Managing Allegations of Abuse Against Staff</b>
<b>It applies to:</b>	All staff at Bolder Academy
<b>Person responsible for its revision:</b>	Headteacher
<b>Status:</b>	Statutory
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## 1. Scope

This policy applies to all staff, supply teachers and volunteers of Bolder Academy. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- Behaved in a way that has harmed a student or may have harmed a student.
- Possibly committed a criminal offence against or related to a student.
- Behaved towards a student or students in a way that indicates that s/he is unsuitable to work with students.

## 2. Aims

To ensure that any allegation of abuse made against a teacher, associate staff member or volunteer is dealt with fairly, quickly and consistently in a way that provides effective protection for the student and at the same time supports the person who is the subject of the allegation.

### **3. Managing Allegations**

All allegations should be reported immediately to the Headteacher.

In the absence of the Headteacher the allegation should be reported to the Deputy Headteacher.

Where the Headteacher is the subject of an allegation or concern the matter should be reported to the Chair of Governors.

The Headteacher (or the Chair of Governors) at Bolder Academy will liaise with the Designated Local Authority Officer (LADO) responsible for advice and monitoring as set out in DfE guidance "Safeguarding Children and Safer Recruitment in Education."

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by children's social care about whether a student is in need of protection or in need of services.
- Consideration by the Academy of disciplinary action in respect of the individual.

### **4. Supporting those Involved**

Parents or carers of a student or students involved should be told about the allegation as soon as possible if they do not already know of it, subject to advice from the Local Authority Designated Officer. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution including the outcome of any disciplinary process.

In cases where a student may have suffered significant harm, children's social care, or the police as appropriate, should consider what support the student or students may need.

The Academy should also keep the person who is subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual e.g. access to counselling. If the person is suspended, the Academy should also keep the individual informed about

developments at the Academy. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

## **5. Confidentiality**

Every effort should be made to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated or considered.

## **6. Record Keeping**

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken, and decisions reached is kept on a person's confidential personnel file and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## **7. Timescales**

Every effort will be made by the Academy to manage cases to avoid any unnecessary delay.

## **8. Initial Considerations**

8.1. DfE guidance advises that the procedures need to be applied with common sense and judgement. In rare cases allegations will be so serious that as to require immediate intervention by children's social care and/or police. Other allegations may seem much less serious. However, it is important to ensure that even allegations that appear less serious are seen to be followed up and taken seriously and that they are examined objectively by someone independent of the Academy.

8.2 The Local Authority Designated Officer will be informed of all allegations that come to the Academy's attention and appear to meet the criteria set out above so that s/he can consult police and social care colleagues as appropriate.

8.3 The Local Authority Designated Officer first steps will be to discuss the allegation with the Headteacher (or Chair of Governors if the allegation concerns the Headteacher) to confirm details of the allegation and establish that it is not demonstrably false or unfounded. If the parents/carers of the student concerned are not already aware of the allegation, the Designated Officer will also discuss how and by whom they should be informed.

8.4 The Headteacher should inform the accused person about the allegation as soon as possible after consulting the Local Authority Designated Officer. However, where a strategy discussion is needed, or police or social care may need to be involved, the Headteacher should not do that until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of union or professional association s/he should be advised to contact that organisation at the outset.

8.5 If the allegation is not demonstrably unfounded and there is cause to suspect a student is suffering significant or is likely to suffer significant harm, a strategy discussion should be convened in accordance with "Working Together to Safeguard Children".

8.6 In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Local Authority Designated Officer will discuss with the police, Headteacher and any other agencies involved with the student to evaluate the allegation and decide how it should be dealt with. Like a strategy discussion that initial evaluation may not need to be a face to face meeting. It should share available information about the allegation, the student, and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of the investigation.

8.7 In cases where a police investigation is necessary, the joint evaluation should also consider whether there are matters which can be taken forward in disciplinary process in parallel with the criminal process or whether any

disciplinary action will need to wait completion of the police enquiries and/or prosecution.

8.8 If the complaint or allegation is such that an investigation by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that is the case, Local Authority Designated Officer will advise and should discuss next steps with the Headteacher and Chair of Governors. In those circumstances the options open to the Academy depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

8.9 In some cases, there will need to be further enquiries to enable a decision about how to proceed. In straightforward cases the investigation will be undertaken by a senior member of the Academy. In other circumstances there may be a need to appoint an independent investigator. Advice should be sought from the Local Authority Designated Officer and the Academy's HR provider.

## **9. Outcomes**

The investigation which takes place can have five potential outcomes:

- Substantiated – this is where an allegation has been supported by evidence or proof, such as a criminal caution or conviction, or a disciplinary sanction.
- Unsubstantiated – this means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- False – this means that there is sufficient evidence to indicate that there is no basis for an allegation.
- Malicious – similar to the false allegation, there will be sufficient evidence to indicate that there is no basis for the allegation, but in addition, there is evidence to indicate the allegation was made with the deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth. Children rarely fabricate an allegation. In cases that are deemed malicious, the Academy will work with the child

to discover what was behind the allegation and seek further support for the child from other agencies as considered appropriate.

- **Unfounded** – This means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious, but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

## **10. Suspension**

The possible risk of harm to students posed by the accused person needs to be effectively evaluated and managed. In some cases that will require the Academy to consider suspending the person until the case is resolved.

Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person must not be suspended automatically or without careful thought.

Advice should be sought from the Academy's HR provider.

A suspension can only be actioned by the Headteacher or the Chair of Governors once they have sought advice.

The Academy must also consider whether the result that would be achieved by suspension could be obtained by alternative means.

## **11. Action Following a Criminal Investigation or a Prosecution**

The police or CPS should inform the Academy and Local Authority Designated Officer straightaway when a criminal investigation and any subsequent trial is complete or if it decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the Local Authority Designated Officer should discuss with the Headteacher and Chair of Governors whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and or children's social care should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take

account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

If the allegation is substantiated and the person is dismissed or the Academy ceases to use the person's services, or the person resigns, or otherwise ceases to provide his or her services, the Local Authority Designated Officer should discuss with the Academy and the Academy's HR provider whether a referral to the DfE for consideration of List 99 action is required, or advisable and the form and content of a referral.

In cases where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Academy should consider how best to facilitate this.

It is recognised that most people will benefit from some help and support to return to work after a very stressful experience. The Academy should also consider how the person's contact with the student or students who made the allegation can best be managed if they are still attending the Academy.

## **12. Supply Teachers**

In some circumstances the Academy will have to consider an allegation against an individual not directly employed by the school, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business.

Whilst the Academy is not the employer of the supply teachers, we will ensure allegations are dealt with properly. In no circumstances will the Academy cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.

The Governing Body and Trustees should discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies will be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. Bolder Academy will usually take the lead because agencies do not have direct access to children or other school staff, so



they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

Supply teachers, whilst not employed by Bolder, are under the supervision, direction and control of the Governing Body when working in the Academy. The supply teacher should be advised to contact their trade union representative if they have one, or a colleague for support.

The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the Academy during the investigation.

When using an agency, the Academy will inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.



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