



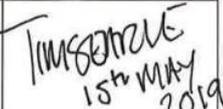
**Transforming
Futures**
TRUST

Allegations of Abuse Against Staff Policy

Policy Information	
Policy Owner	Chief Operating Officer
Issue Version	1.0
Approving Committee	Safeguarding & Wellbeing
Adopted Date	
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Adoption of the Policy

This Policy has been adopted and reviewed by the Trustees of Transforming Futures Trust.

Issue	Date	Author/Reviewer Job Role	Comments	Signed by Chair of Trustees
1	15 th May 2019	Chris Humphries Director of Performance	FIRST MAT WIDE POLICY.	 15 th MAY 2019



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1 Introduction

- 1.1 We are committed to providing the highest level of care for both our pupils and staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our school 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.
- 1.2 This policy is designed to ensure that all staff, pupils 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 efficiently as possible.
- 1.3 We hope that having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Head teacher immediately or to the Chair of Governors where the Head teacher is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

2 Purpose

- 2.1 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 our complaints policy and child protection and safeguarding policy.
- 2.2 This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school has:
 - i Behaved in a way that has harmed a child, or may have harmed a child, or
 - ii Possibly committed a criminal offence against or related to a child, or
 - iii Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children
- 2.3 It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.
- 2.4 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.
- 2.5 Our procedures for dealing with allegations will be applied with common sense and judgement.

2.6 Timescale

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

- a) Minimise the risk to the child.
- b) Minimise the impact on the child's academic progress.
- c) Minimise stress to the employee concerned.
- d) Ensure a fair and thorough investigation for all parties.

2.6.2 To enable this to happen, all staff, parents and students should be aware of the procedures set out in this policy.

3 Procedure

3.1 Reporting an Allegation

- 3.1.1 Immediately discuss the allegation with the designated officer at the local authority. This is to 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 case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- 3.1.2 Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). 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
- 3.1.3 Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- 3.1.4 If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the

suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.

- 3.1.5 If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- 3.1.6 If it is decided that further action is needed, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.
- 3.1.7 Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- 3.1.8 Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.
- 3.1.9 Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- 3.1.10 Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

3.2 Investigation

- 3.2.1 An investigation into the allegation is normally carried out by children's social services or by us. This will be agreed at the initial evaluation stage. Where we are not conducting the investigation we will cooperate with investigative agencies.

3.2.2 Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

3.2.3 Definitions for outcomes of allegation investigations

- i Substantiated: there is sufficient evidence to prove the allegation.
- ii Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- iii False: there is sufficient evidence to disprove the allegation.
- iv Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence).
- v Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

3.2.4 We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

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

3.2.6 Where the police are involved, wherever possible the Transforming Futures Multi Academy Trust 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.

3.3 The Employee

3.3.1 We have a duty of care to our employees and will do everything to minimise the stress of any allegation and the disciplinary process.

3.3.2 The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Head teacher has spoken to the Chair Cluster representatives. 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.

- 3.3.3 The Chair of Cluster representatives or a named representative will keep the employee informed of the progress of the case and any other work-related issues.
- 3.3.4 The employee may need additional support and we will 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.

4 Confidentiality

- 4.1 We 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.
- 4.2 The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:
 - i Who needs to know about the allegation and what information can be shared.
 - ii How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality.
 - iii What, if any, information can be reasonably given to the wider community to reduce speculation.
 - iv How to manage press interest if, and when, it arises.
- 4.3 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 a teacher who is the subject of an allegation.

5 Suspensions

- 5.1 We 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.
- 5.2 The Chair Cluster representatives 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.

- 5.3 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.

6 Resignations

- 6.1 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.
- 6.2 Compromise agreements will not be used in situations which are relevant to these procedures.

7 Record Keeping

- 7.1 The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:
- i A clear and comprehensive summary of the allegation.
 - ii Details of how the allegation was followed up and resolved.
 - iii Notes of any action taken and decisions reached (and justification for these, as stated above.)
- 7.2 If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.
- 7.3 Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.
- 7.4 The records of any allegation that is found to be malicious will be deleted from the individual's personnel file. Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.
- 7.5 Unsubstantiated or malicious allegations.
- 7.5.1 If an allegation is shown to be deliberately invented, or malicious, the Head teacher, or other appropriate person in the case of an allegation against the Head teacher, 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.

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

8 Action on Conclusion of the Case

- 8.1 Action following a criminal investigation or prosecution.
 - 8.1.1 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.
- 8.2 Conclusion of a case where the allegation is substantiated.
 - 8.2.1 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.
 - 8.2.2 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.
- 8.3 Individuals returning to work after suspension.
 - 8.3.1 If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.
 - 8.3.2 The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.
- 8.4 Action In The Case Of False or Malicious Allegations.
 - 8.4.1 Where an allegation is proved to be false, the Head teacher and Cluster representatives may refer to social services to determine whether the child is in need of support or has been abused by someone else.

8.4.2 Our behaviour policy sets out the disciplinary action that may be taken against pupils who are found to have made malicious accusations against our staff. The Head Teacher may consult the Governors when considering what action to take.

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

9 After the Case

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

9.2 References.

9.2.1 When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.