



Allegations Against Staff of Abuse Towards Pupils Policy

Policy Information	
Policy Owner	Chief Operating Officer
Issue Version	2.0
Approving Committee	Safeguarding & Well-being Committee
Adopted Date	July 2019
Review Cycle	Annual
Last Review Date	April 2023
Next Review Date	April 2024

Adoption of the Policy

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

Signed K. Deeny
(Vice Chair of Trust)

Date: 08.06.23



Version Control Amendments

Version No	Date	Summary of Changes
2.0	April 2023	Change of title and use of 'suspension' for clarity. Format changes.

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 that a teacher, any other member of staff, or volunteer in our school may be abusing, or planning to abuse pupils, 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 staff abuse towards pupils, 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. It applies regardless of whether the alleged abuse took place in the school.
- 2.2 Timescale
 - 2.2.1 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.
 - 2.2.2 To enable this to happen, all staff, parents and students should be aware of the procedures set out in this policy.

3 Allegations that May Meet the Harms Threshold

- 3.1 This section is based on 'Section 4: Allegations that may meet the harm threshold' in part 4 of Keeping Children Safe in Education.
- 3.2 This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:
 - I. Behaved in a way that has harmed a child, or may have harmed a child, and/or

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- II. Possibly committed a criminal offence against or related to a child, and/or
- III. Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- IV. Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school.

3.3 We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

3.4 A 'case manager' will lead any investigation. This will be the headteacher, or a case manager allocated by the CEO where the headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

4 Procedure

4.1 Reporting an Allegation

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- 4.1.1 Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
- 4.1.2 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)
- 4.1.3 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.
- 4.1.4 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.
- 4.1.5 If immediate removal from school is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to removal from school that have been considered, and why they were rejected. Written confirmation of the decision and arrangements regarding

removal from school 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.

- 4.1.6 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.
- 4.1.7 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.
- 4.1.8 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.
- 4.1.9 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.
- 4.1.10 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).
- 4.1.11 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
- 4.1.12 Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.

4.2 Investigation

- 4.2.1 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.
- 4.2.2 Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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4.2.3 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, or to cause harm to the subject of the allegation.
- 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.

4.2.4 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.

4.2.5 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.

4.2.6 Where the police are involved, wherever possible the 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.

4.3 The Employee

- 4.3.1 We have a duty of care to our employees and will do everything to minimise the stress of any allegation and the disciplinary process.
- 4.3.2 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 named trustee representative. The employee will then be advised of 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.
- 4.3.3 The trustee representative will keep the employee informed of the progress of the case and any other work-related issues.
- 4.3.4 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.

5 Additional considerations for supply teachers and all contracted staff

- 5.1 If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.
 - I. We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
 - II. The Trust Board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
 - III. We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
 - IV. 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)
- 5.2 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.

6 Confidentiality

- 6.1 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.
- 6.2 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.
- 6.3 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.

7 Removal from school premises

- 7.1 We will not remove a member of staff from the school premises 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.
- 7.2 The trustee representative 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.
- 7.3 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.

8 Resignations

- 8.1 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.

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

9 Record Keeping

- 9.1 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.)
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 Unsubstantiated or malicious allegations.
- 9.5.1 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.
- 9.5.2 Details of any allegation made by a pupil will be kept in the confidential section of their record.

10 Action on Conclusion of the Case

- 10.1 Action following a criminal investigation or prosecution.
- 10.1.1 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.

10.2 Conclusion of a case where the allegation is substantiated.

10.2.1 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 school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

10.2.2 If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

10.3 Individuals returning to work after suspension.

10.3.1 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.

10.3.2 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.

11 Unsubstantiated, unfounded, false or malicious reports

11.1 If a report is:

11.2.1 Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate

11.2.2 Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

12 Unsubstantiated, unfounded, false or malicious allegations

12.1 If an allegation is:

12.2.1 Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate

12.2.2 Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

13 Non-recent allegations

- 13.1 Abuse can be reported, no matter how long ago it happened.
- 13.2 We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.
- 13.3 Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

14 Learning Lessons

- 14.1 After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.
- 14.2 This will include consideration of (as applicable):
- I. Issues arising from the decision to suspend the member of staff.
 - II. The duration of the suspension.
 - III. Whether or not the suspension was justified.
 - IV. The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.
- 14.3 For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

14.4 References.

- 14.4.1 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.

15 Concerns that do not meet the harm threshold

- 15.1 The section is based on 'Section 1: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.
- 15.2 This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.
- 15.3 Concerns may arise through, for example:

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- I. Suspicion
- II. Complaint
- III. Disclosure made by a child, parent or other adult within or outside the school
- IV. Pre-employment vetting checks

15.4 We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

16 Definition of low-level concerns

16.1 The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- I. Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- II. Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

16.2 Examples of such behaviour could include, but are not limited to:

- I. Being overly friendly with children
- II. Having favourites
- III. Taking photographs of children on their mobile phone
- IV. Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- V. Using inappropriate sexualised, intimidating or offensive language

17 Sharing low-level concerns

17.1 We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

17.2 We will create this culture by:

- I. Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- II. Empowering staff to share any low-level concerns as per section 7.7 of this policy
- III. Empowering staff to self-refer
- IV. Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- V. Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- VI. Helping to identify any weakness in the school's safeguarding system

18 Responding to low-level concerns

18.1 If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

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- I. Directly to the person who raised the concern, unless it has been raised anonymously
- II. To the individual involved and any witnesses
- III.
 - 18.2 The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct.