

<b>TUDOR PARK EDUCATION TRUST</b>	Allegations Against Staff & Volunteers Policy
Person(s) responsible for updating the policy:	Chief Executive Officer
Date last approved:	September 2019 (Board of Directors)
Date of next review:	September 2020
Status:	Non Statutory

Tudor Park Education Trust oversees this policy but the local governing body of each academy or school within the Trust is responsible for the implementation of the policy.

## Background

Given their contact with young people, members of staff can be vulnerable to allegations of abuse and therefore it is particularly important that staff remain continually aware of behaviour that is acceptable and behaviour that may leave them vulnerable. Such matters are addressed within the school's safeguarding policy and included within the school's induction and training programmes.

The Trust recognises its collective responsibility to safeguard and protect the welfare of children and young people in accordance with its statutory responsibility under section 175 of the Education Act 2002 and, where appropriate, under the Children Act 1989.

This policy provides details of the procedures to be followed in circumstances where an allegation has been made against a member of staff working at the school, whether in a paid or voluntary position, including a member of staff who works with pupils on a temporary or supply basis.

Procedures will be conducted in accordance with the statutory guidance from the DFE [www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse](http://www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse), the guidance provided by the Hounslow Safeguarding Children Board and with regard to the appropriate legislation.

## Reporting an allegation, safeguarding responsibilities and general principles

An allegation should be reported immediately to the school's child protection officer, Hazel Hughes, the Principal or, where the Principal is the subject of the allegation, the chair of governors. An allegation may relate to a concern that a member of staff 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 s/he is unsuitable to work with children.

Where an allegation of abuse towards a pupil has been made against a member of staff, the governing body must recognise the requirement for the sharing of information in accordance with DFE guidance, because the need to promote the welfare and protect the safety of the pupils is paramount. The Hounslow Safeguarding Children Board holds statutory functions which include developing local safeguarding policy and procedures, scrutinising local arrangements and the investigation of allegations concerning persons who work with children.

Should an allegation be made against a member of staff, the school should immediately notify Hounslow's DO for child protection. The allegation must be reported in accordance with the procedures identified below and the initial contact with the DO will be made by the school's child protection officer, the Principal or the chair of governors.

The DO will provide oversight of the individual case, advising and providing guidance to the school in specific matters, including liaising with the police where necessary. The DO should be informed within one working day of all allegations which have come to the school's attention or which have been made directly to the police, and which relate to the criteria above.

### **Safeguarding advice and allegations management (SAAM)**

A new Safeguarding Advice and Allegations Management duty service has been set up for all general safeguarding advice and issues related to the conduct of members of staff. Although formal investigations will still be dealt with by a Designated Officer (the new title for the LADO) the SAAM Duty Desk is the first point of contact for the Local Authority Designated Officer (DO).

This is for general safeguarding advice (ie not about a specific child or family), to discuss a concern about the conduct of a person working with children and young people or to report a safeguarding allegation in respect of a person working with children and young people contact the SAAM Duty Desk: SAAM Duty Desk: 0208 583 5730.

### [Determining the outcome of an investigation into an allegation](#)

In determining the outcome of an investigation into an allegation, the following definitions will be used in accordance with DFE guidance.

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Full details of a substantiated allegation, how it was followed up and resolved, and a summary of the action taken and decisions reached will be retained on the confidential personnel file of the member of staff, and s/he will be provided with a copy.

### [The procedure](#)

The governing body takes seriously its responsibilities of duty of care towards its employees. The process will be managed in such a way as to minimise the stress inherent in such circumstances, and appropriate levels of support will be discussed and agreed with any member of staff who is the subject of an allegation, and her/his representative where applicable.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school is dealt with very quickly, in a fair and consistent way, so that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. In the event that an allegation against a member of staff is made, priority will be given to ensuring that a resolution to the allegation is reached as soon as possible. The procedures will be applied in a fair and consistent manner and in such a way as to protect the pupil.

The timeframe for bringing the matter to a conclusion will depend upon the nature, seriousness and complexity of the allegation, however the school will aim to reach a resolution within one month where this is possible.

### Initial considerations

The procedures adopted in relation to allegations made will be applied using common sense, reasonableness and judgement. It is recognised by the DFE that many cases 'may not meet the criteria (set out above), or may do so without warranting consideration of either a police investigation or enquiries by local authority (LA) children's social care services'. Under such circumstances, the governing body will adopt the appropriate procedures set out within its disciplinary policy in order to bring the matter to a conclusion as soon as possible.

In circumstances where the allegations made are serious, they will require immediate intervention by the police. The DO will be informed immediately and advice will be sought regarding contact with the appropriate local agencies.

The school will immediately appoint a case officer, normally the child protection officer, to handle matters in connection with the investigation into the allegation. There will be relevant consideration as to who should carry out the investigation and this may, on occasion, necessitate the appointment of an external investigator.

Following the initial contact with the DO, the case officer will liaise with the DO regarding the nature and context of the allegation in order to agree on the appropriate course of action. The DO may seek additional information from the LA regarding previous history, for example whether a child or her/his family have made similar allegations and the individual's current contact with children in other roles. During such a process, the DO may recommend the involvement of the police. Contact with the member of staff accused must be made as soon as reasonably practicable following consultation with the DO.

In response to an allegation, the governing body will consider all alternative options before taking any decision to suspend a member of staff. Suspension is not considered the default option and such action will only be taken only if there is no reasonable alternative. Reasonable alternatives may include the following, however any decision will be based on assessment of risk and the school's ability to reasonably accommodate an alternative arrangement:

- Redeployment within the school so that the member of staff does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the member of staff has contact with children.
- Redeploying to alternative work in the school so the member of staff does not have unsupervised access to children.
- Moving the child or children to classes where they will not come into contact with the member of staff, making clear this is not a punishment and parents have been consulted.

- Temporarily redeploying the member of staff to another role in a different location.

The individual is advised to contact her/his trade union representative, if they have one, or a colleague who can provide support.

Action will be taken in response to the allegation with due regard to the procedures identified within the school's disciplinary policy. The member of staff against which the allegation is made will be provided with details in writing of the action taken, including suspension if deemed appropriate, and setting out the reasons and justification for the decision.

#### No case to answer

The process of sharing information and its evaluation may lead the school, in consultation with the DO, to the decision that there is no case to answer and therefore no further action will be taken against the member of staff facing the allegation or concern. In such circumstances, the decision and associated reasons will be recorded by the case officer and the DO, who will agree on the content of a letter to the member of staff, setting out the relevant details. Details of the action to be taken with regard to the member of staff, for example appropriate support, and in respect of the individual/s who made the initial allegation will also be discussed and agreed in accordance with the confidentiality provisions referred to below.

Where it is clear an allegation is unfounded or malicious, the school will aim to resolve the matter within one week.

#### The investigation process

Where the process of information sharing as specified above leads to a conclusion that there is a case to answer, an investigation process will be required.

The case officer will inform the member of staff regarding the allegations against her/him as soon as possible and following consultation with the DO.

The member of staff will be provided with as much information as possible at that time. Advice should be sought from the DO on what information the school is permitted to disclose to the member of staff, based on the agreement of any other agencies involved. Individuals should be given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.

If the allegation is 'not demonstrably false or unfounded', and the school has cause to suspect a child is suffering or is likely to suffer significant harm, the case officer, in consultation with the DO will convene a 'strategy discussion' involving the appropriate agencies. Where an allegation concerns physical contact, the agencies will take into account the staff member's entitlement to use reasonable force to control or restrain pupils in certain circumstances.

Where it is clear that an investigation by the police or the children's social care services is unnecessary, or the strategy discussion (see above) agrees that is the case, the case officer will agree with the DO the appropriate way forward. In most cases this will involve the application of the investigation process within the school's disciplinary procedures (please see the school's disciplinary policy for further details).

### Keeping the member of staff informed and support

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. During the investigation, a process will be adopted to ensure that the member of staff who is the subject of the allegations is kept informed. In cases of suspension, this will include the provision of a named contact at the school, appointed by the case officer, in order to facilitate communication throughout the investigation. Contact with the suspended employee will take place according to the timescales to be set out at the start of the investigation and this must include relevant updates on work-related issues.

Similar arrangements will be made by the case officer to appoint a contact to liaise with a member of staff who has remained in the workplace during the investigation.

The named contact will keep the member of staff informed of progress in relation to the case and will monitor the support arrangements in place and recommend additional or alternative support as necessary.

The member of staff who is the subject of the allegations will not be prevented from having social contact with colleagues and friends, unless there is evidence to suggest that such contact may be prejudicial to the investigation process.

Support will be offered by way of occupational health or local welfare arrangements as appropriate.

### Supporting parents and the child affected

Parents or carers of a child or children involved will be notified regarding the allegation as soon as possible where they are not already aware of the matter. However, due regard is given to the need for a strategy discussion as appropriate (please see above), or the agreed involvement of other agencies, because the level of disclosure of details must be in accordance with DFE statutory guidance.

Parents or carers will be kept informed, through an agreed named contact, regarding the progress of the investigation, any relevant decisions made regarding the process and, in confidence, the outcome where there is no criminal prosecution. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed and careful consideration must be given to the relevant provisions of the Human Rights Act 1998 and the Data Protection Act 1998.

The named contact will make parents and carers aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. Should parents or carers wish to apply to the court for the removal of reporting restrictions, they will be advised to obtain legal advice.

In circumstances where it is believed that a child may have suffered significant harm, or there may be a criminal prosecution, the DO will liaise with the appropriate agencies to consider what support the child or children involved may need. This need will also be highlighted to the DO by the school's case officer.

### Malicious allegations

Details of allegations that are investigated and found to be malicious or unsubstantiated will be removed from personnel records and no reference will be made to the matter in employer references. Pupils who are found to have made malicious allegations will be considered in breach of the school's behaviour policy. This will be treated as a serious matter and the appropriate sanctions will be applied.

### Confidentiality

The school will make every effort to maintain confidentiality and to guard against unwanted publicity during an investigation or while an allegation is considered. Legislation regarding reporting restrictions will be adhered to at all times, in particular the reporting restrictions under the Education Act 2011 preventing the publication of material that may lead to the accused teacher being identified until the accused is charged with an offence. The legislation imposing restrictions makes clear that 'publication' of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. 'Publication' includes 'any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public'.

However the reporting restrictions cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The case officer will take advice from the DO and the police in order to agree who needs to be informed and what information can be shared. Advice will also be sought on appropriate sharing of information with the wider community in order to reduce speculation and the management of any press interest, breaches of confidentiality or gossip.

### Resignation during the investigation

Should an employee resign during an investigation following an allegation, the school will continue with the investigation process and every effort will be made to reach a conclusion, even in circumstances where the employee refuses to co-operate. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. However, the employee will be given the opportunity to remain fully involved in the process and to answer the allegation against them.

### Settlement agreements

Settlement agreements will not be used in circumstances where an allegation relates to abuse of a pupil. Such an agreement will not prevent a thorough police investigation where that is appropriate and it cannot override the governing body's statutory duty to make a referral to the disclosure and barring service (DBS) where this is required.

### Employer references

Should an allegation or allegations prove false, unsubstantiated, unfounded or malicious it/they will not be referred to in employer references. Additionally, the history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

### Allegations leading to a criminal investigation or a prosecution

The police or the crown prosecution service (CPS) should inform the school and the DO immediately when a criminal investigation and any subsequent trial is complete, if an investigation is closed without charge, or if there will be no prosecution after the person has been charged. In such circumstances, the case officer will discuss with the DO whether any further action, including disciplinary action, is required and agreement will be reached as to how to proceed. Information received by the police and/or children's social care services will be relied upon in order to inform the decision.

### Action on conclusion of a case

Should the allegation be substantiated and the employee is dismissed, or s/he resigns, the DO, the case officer and the school's HR adviser will discuss and agree whether to refer the case to the DBS for consideration of inclusion on the barred lists, or to refer the matter to the Teaching Agency. The governing body has a legal duty to notify the DBS of relevant information, so that individuals who pose a threat to vulnerable groups can be identified and barred from working with these groups. If the school dismisses a member of staff or volunteer because they have harmed a pupil, or because they pose a risk of harm to children or young people, the DBS will be informed. Professional misconduct cases should be referred to the relevant regulatory body and the referral will be made as soon as possible after the removal, or the resignation, of the member of staff involved.

### Returning to work

Where a member of staff has been suspended and the conclusion of the investigation is that s/he can return to work, the case officer, in consultation with the Principal, will consider how best to facilitate the return to work. A meeting will be arranged with the member of staff concerned to agree how best this can be achieved and to understand what support will assist her/him in returning to the workplace following this stressful experience.