



Allegations of abuse against staff and volunteers Policy and Procedure

DISTRIBUTION	This is a Trust-wide policy and applies to all staff within the Trust.		
DOCUMENT ID	FT-HR013 Allegations of abuse against staff and volunteers Policy and Procedure		
AUTHOR	GED	VERSION	4.0
RATIFIED BY THE TRUSTEES OF THE FALLIBROOME TRUST			
POLICY REVIEW CYCLE	1 YEAR		
POLICY REQUIREMENT	STATUTORY		

The Fallibroome Trust, Priory Lane, Macclesfield, Cheshire, SK10 4AF
Telephone: +44 (0) 1625 827 898 | Email: info@fallibroometruster.org.uk | Web: www.fallibroometruster.org.uk

The Fallibroome Trust (Company number: 07346144). A company incorporated as private limited by guarantee.
Registered Office situated in England and Wales

CHANGES TO THE POLICY

There are no changes to this policy since the last review.

CONTENTS

Changes to the Policy	2
Allegations of abuse against Staff and Volunteers Policy	4
Purpose	4
Governance	4
Scope.....	4
Response to an allegation.....	5
Types of allegation against Staff	5
1) Allegations that may meet the harm threshold.....	5
2) Concerns that do not meet the harm threshold/ low level concerns.....	11
Additional considerations for supply teachers and agency workers	12
Resignation during an investigation.....	13
Settlement agreements	13
Action on conclusion of a case	13
Review	14

ALLEGATIONS OF ABUSE AGAINST STAFF AND VOLUNTEERS POLICY

PURPOSE

The Fallibroome 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 procedure 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.

GOVERNANCE

The Local Governing Body is a committee of the Fallibroome Trust. The Local Governing Body will adopt and comply with all policies communicated by the Trustees. The Local Governing Body is responsible for setting out the policies and practices for staff. The Local Governing Body may delegate these matters to:

- The Principal/Headteacher;
- A sub-committee of the Local Governing Body; or
- A sub-committee and the Principal/Headteacher.

Where this procedure refers to the Local Governing Body representative this can be any one of the above.

SCOPE

This procedure applies to all employees, supply teachers, volunteers or contractors working for the Fallibroome Trust.

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 Child Protection and Safeguarding policy and included within the school's induction and training programmes.

Procedures will be conducted in accordance with the statutory guidance from the DfE, Keeping Children Safe in Education, the guidance provided by the Safeguarding Children Board and with regard to the appropriate legislation.

RESPONSE TO AN ALLEGATION

A Case Manager will lead any investigation. This will be the Designated Safeguarding Lead, the Headteacher, or the Chair of Governors where the Headteacher is the subject of the allegation. The Case Manager will be identified at the earliest opportunity.

There are two aspects to consider when an allegation is made:

- Looking after the welfare of the child - the designated safeguarding lead (or deputy) is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care.
- Investigating and supporting the person subject to the allegation - the Case Manager should discuss with the Local authority Designated Officer (LADO), the nature, content and context of the allegation, and agree a course of action.

Schools should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made.

Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts and to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future (police) investigation.

TYPES OF ALLEGATION AGAINST STAFF

There are two types of allegation against employees which are included in this policy:

- 1) those that may meet the 'harm threshold'
- 2) those that may constitute a 'low level concern'

An allegation should be reported immediately to the school's Designated Safeguarding Lead, the Headteacher or, where the Headteacher is the subject of the allegation, the Chair of Governors.

If a school is in any doubt as to whether a concern meets the harm threshold, it will consult with the LADO.

The school 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.

1) ALLEGATIONS THAT MAY MEET THE HARM THRESHOLD

This section is based on 'Section 1: Allegations that may meet the harm threshold' in part 4 of Keeping Children Safe in Education.

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:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- 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

Procedure for dealing with allegations

The Case Manager will take the following steps:

- 1) Conduct enquiries to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- 2) Discuss the allegation with the Local Authority Designated Officer (LADO). 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 LADO – 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 LADO as soon as practicably possible after contacting the police)
- 3) Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (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) 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 LADO, police and/or children's social care services, as appropriate
- 5) 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
- 6) **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. 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
- 7) **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 LADO 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

- 8) **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- 9) 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. Employees can be referred to the Trust counsellor for support during this period.
- 10) 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
- 11) Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- 12) 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

In the Trust early years settings, the school 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.

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

Where the police are involved, wherever possible the school 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.

Suspension until the case is resolved

Suspension of the employee will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, the school will only suspend an individual if the school has considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, the school will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children

- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for another school in the Trust

If in doubt, the Case Manager will seek views from the school's HR Adviser and the LADO, as well as the police and children's social care where they have been involved.

Definitions for outcomes of investigations

- **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, or to cause harm to the subject of the allegation
- **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

Timescales

The Trust schools will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, the school will endeavour to take the required action as soon as possible thereafter.

Specific actions

Action following a criminal investigation or prosecution

The Case Manager will discuss with the local authority's LADO 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

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.

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.

Individuals returning to work after suspension

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.

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.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

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

Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

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

Confidentiality and information sharing

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Case Manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- 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
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

Record-keeping

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.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. The school 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.

References

When providing employer references, the School will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

Learning lessons

After any cases where the allegations are *substantiated*, the Case Manager will review the circumstances of the case with the LADO to determine whether there are any improvements that the School can make to the schools' procedures or practice to help prevent similar events in the future.

Historic allegations

Abuse can be reported, no matter how long ago it happened.

The school 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.

Where an adult makes an allegation to the school that they were abused as a child, the school will advise the individual to report the allegation to the police.

2) CONCERNS THAT DO NOT MEET THE HARM THRESHOLD/ LOW LEVEL CONCERNS

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

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 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

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

Definition of low-level concerns

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:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the harm threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

Sharing low-level concerns

The Trust recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately. The Trust will create this culture by:

- 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
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage

- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

Responding to low-level concerns

If the concern is raised via a third party, the Designated Safeguarding Lead, Headteacher or their nominee will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Designated Safeguarding Lead, Headteacher or their nominee 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. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the School will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harm threshold as described in section 1 of this appendix, the School will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, the School will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

The Trust will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

ADDITIONAL CONSIDERATIONS FOR SUPPLY TEACHERS AND AGENCY WORKERS

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, the school will take the actions below in addition to the Trust standard procedures:

- The school will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome
- The Headteacher, or member of the School Leadership Team, 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
- The school 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
- The school will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (the school will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, the school will inform them of the Trust process for managing allegations and keep them updated about the Trust policies as necessary and will invite the agency's HR manager or equivalent to meetings as appropriate.

RESIGNATION DURING AN 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 board's statutory duty to make a referral to the disclosure and barring service (DBS) where this is required.

ACTION ON CONCLUSION OF A CASE

Should the allegation be substantiated and the employee is dismissed, or they resign, the LADO, 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.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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.

REVIEW

This policy will be reviewed annually and/or in line with changes in legislation and best practice.