

Allegations of Abuse Against Staff Policy

Department:	Human Resources
Author:	Head of HR
Consultation Date:	November 2017
Date of issue:	September 2014
Date revised:	December 2017
Review date:	December 2020

DJANOGLY LEARNING TRUST

Allegations of Abuse Against Staff Policy

The Djanogly Learning Trust

The Djanogly Learning Trust (the Trust) is a multi-academy trust established in August 2011.

Under its governing articles of association the powers to run the Trust are held by the Board of Directors, which is supported by a Strategic Executive Team comprising the senior leaders from the Academies and the Trust.

Individual Academies within the Trust have delegated authority from the Board of Directors to their own Local Governing Bodies, which in turn are supported by their Headteacher/Principal or Principal.

The term "Individual Organisation's Head" has been used within the policy below to recognise that this may be an academy Headteacher/Principal or Trust's Director of Operations.

This policy relates to all Trust Academies. Some procedures may vary across the Academies depending on context and stage of development.

1.0 Policy Statement

The Trust is committed to providing the highest level of care for both its students, pupils and employees. It is extremely important that any allegations of abuse against any employee, or volunteer is dealt with thoroughly and efficiently, maintaining the highest level of protection for the student or pupil whilst also giving support to the person who is the subject of the allegation. This policy is in line with statutory guidance from the Department of Education and relates to allegations of abuse made by pupils/students only. Allegations against employees made by other employees or third parties are dealt under the Anti Bullying and Anti Harassment Policy and the Disciplinary, Capability, Grievance and Appeals Policy.

This policy is designed to ensure that all employees, students, 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 as efficiently as possible.

Allegations will be reported to the Headteacher/Head of School immediately or to the Chair of the Local Governing Body where the Headteacher/Head of school is the subject of concern. Allegations against the Executive Headteacher will be reported to the Chair of the Board of

Directors All allegations will be taken seriously and investigated immediately.

2.0 Purpose

The procedure for dealing with allegations against employees 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 the relevant Academy's Complaints Policy and Safeguarding Policy.

This policy will be used in any case where it is suspected or alleged that an employee or a volunteer has:

- behaved in a way that has harmed a pupil, or may have harmed a child
- possibly committed a criminal offence against or related to a pupil
- behaved towards a pupil in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

3.0 Timescale

It is imperative that allegations against employees are dealt with very quickly in a fair and consistent way that provides effective protection for the pupil and at the same time supports the person who is the subject of the allegation.

4.0 Allegations

4.1 Reporting an allegation

All concerns of poor practice or possible pupil abuse by an employee should be reported immediately to the Headteacher/Head of school. Complaints about the Headteacher/Head of School /should be reported to the chairman of the Local Governing Body who will then contact the Local Authority Designated Officer (LADO). Complaints about the Executive Headteacher should be reported to the Chair of the Board of Directors who will then contact the Local Authority Designated Officer (LADO).

Employees who are concerned about the conduct of a colleague towards a pupil must remember that the welfare of the pupil is paramount and must report their concerns immediately.

4.2 Definitions

The following definitions should be used when determining the outcome of allegation investigations:

- **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.

4.3 Dealing with an Allegation

The procedures for dealing with allegations will be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by the Local Authority Children's Social Care Services.

4.4 Potentially Serious Allegations

In the event of a potentially serious allegation, the LADO will be contacted by the Headteacher/Head of School / Executive Headteacher and a discussion will take place to decide whether:

- a "strategy discussion" should take place, or
- no further actions are needed

The Trust will share available information with the LADO about the allegation, the pupil, and the person against whom the allegation has been made and consider whether a police investigation or a "strategy discussion" is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.

5.0 Supporting Those Involved

5.1 The employee

The Trust has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

The employee who is the subject of the investigation will be informed by the Headteacher/Head of School as soon as the allegation has been made. 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, then these agencies will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The Headteacher/Head of School should keep the employee informed of the progress of the case and any other work-related issues. If the employee has been suspended, they will be kept informed of any developments. If the employee is a member of a union or any other professional association, they will be advised to contact that body at the outset of the investigation.

The employee may need additional support and the Trust will consider what might be appropriate to best accommodate this depending on the situation at the time.

5.2 The person(s) who makes the allegation and their parents/carers:

Parents and carers will be notified if their child makes or is involved in, an allegation against the employee if they do not already know. However, if the police or social services are to be involved, then these agencies will be contacted first and will advise as to what information may or may not be disclosed to the parents/carers. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them.

This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be informed of the outcome.

Social services and the police may be involved, depending on the severity of the case, and will provide the Trust with advice on what type of additional support the pupil may need.

The Trust's Confidential Reporting (Whistleblowing) Policy enables employees to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

6.0 Confidentiality

The Trust 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.

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 someone who is the subject of an allegation before they are charged or summonsed.

7.0 Suspensions

A decision will be made whether to suspend the accused member of staff pending investigation and/or disciplinary action. All options to avoid suspension will be considered prior to taking the decision and may include alternatives such as:

- Redeployment within the academy so that the individual does not have direct contact with the pupil concerned.
- Redeploying to alternative work in the academy so the individual does not have unsupervised access to the pupils..
- Moving the pupil to classes where they will not come into contact with the employee, making it clear that this is not a punishment and parents have been consulted.
- Temporarily redeploying the employee to another role in a different location.

If immediate suspension is considered necessary, the rationale and justification for such action will be agreed and recorded by both the Headteacher/Head of School and the LADO. This will also include the alternatives to suspension which were considered and why they were rejected.

Once suspension has been discussed, the employee will be informed verbally and in writing of the allegation against him/her. The procedures for suspension are detailed in the Disciplinary, Capability, Grievance and Appeals Policy.

8.0 Resignations

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. Settlement agreements will not be used in situations which are relevant to these procedures.

9.0 Record keeping

Details of allegations that are found to have been malicious should be removed from HR records. For all other allegation outcomes, a clear and comprehensive summary of the allegation, including the follow up and resolution will be kept on the confidential HR file of the employee.

The employee will be given a copy of the same information.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation. CAN YOU CHECK THIS WITH BJS AND THE NEW DATA PROTECTION RULES?

10.0 Action on conclusion of the case

If the allegation is substantiated, the Headteacher/Head of School in liaison with the LADO should decide whether to refer the case to the Independent Safeguarding Authority (ISA) for consideration of inclusion on the barred lists.

If the allegation is found to be unfounded or malicious, the Headteacher/Head of School or LADO may decide to refer the matter to social services to determine whether the pupil is in need of social services support, or may have been abused by someone else.

11.0 Evaluation

If the case is substantiated, the Trust will review the circumstances of the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.