

## Djanogly Learning Trust Allegations Of Abuse Against Staff, Agency Workers & Volunteers Policy

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### 1.0 Policy Statement

The Trust is committed to providing the highest level of care for its pupils, employees, agency workers and volunteers (for the purposes of this policy Trustees and Governors are included as volunteers). It is extremely important that any allegations of abuse against any employee, agency worker or volunteer is dealt with thoroughly and efficiently, maintaining the highest level of protection for the 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 only. Allegations against employees, agency workers or volunteers 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, agency workers, volunteers, 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 Academy Leader immediately or to the Chair of the Local Governing Body where the Academy Leader is the subject of concern.

Allegations against the Chief Executive Officer or an Executive Headteacher will be reported to the Chair of the Board of Trustees. All allegations will be taken seriously and investigated immediately.

### 2.0 Purpose

The procedure for dealing with allegations against employees, agency workers and volunteers 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 Trust's Complaints Policy and the relevant Academy's Safeguarding and Child Protection Policy.

This policy will be used in 2 types of cases as follows:

1. Allegations that may meet the harms threshold
2. Allegation / concern that do not meet the harms threshold – referred to for the purposes of this guidance as 'low level concerns'. See

Appendix A for further information on how to deal with these concerns.

### **3.0 Allegations that may meet the harms threshold**

This is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children. This guidance should be followed where it is alleged that anyone working including supply teachers, volunteers and contractors 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 he or she 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 which could take place outside of school which is known as a transferable risk.

### **4.0 Timescale**

It is imperative that allegations against employees, agency workers and volunteers 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.

### **5.0 Allegations**

When dealing with allegations, the Academy leader or investigating officer should:

- Apply common sense and judgement
- Deal with allegations quickly, fairly and consistently, and
- Provide effective protection for the child and support the person subject to the allegation.
- Follow the LADO guidance in terms of reporting procedures
- Seek guidance from the LADO about when to inform the individual of the allegation

#### **5.1 Transferable Risk**

Employees, agency workers and volunteers should be aware that as explained above, the Trust will need to consider circumstances where there may be a transferable risk. A transferable risk is where an employee, agency worker or volunteer is involved in an incident outside school which did not involve children but could have an impact on the suitability to work with children. Such behaviours outside of school could result in a safeguarding investigation under Part 4 of Keeping Children Safe in Education 2020.

#### **5.2 Reporting an allegation**

All concerns of poor practice or possible pupil abuse by an employee, agency worker or volunteer should be reported immediately to the Academy Leader. Complaints about the Academy Leader should be reported to the Chair of the Local Governing Body who will then contact the Local Authority Designated Officer

(LADO).

Complaints about the Chief Executive Officer or an Executive Headteacher should be reported to the Chair of the Board of Trustees who will then contact the Local Authority Designated Officer (LADO).

Employees, agency workers or Volunteers 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.

### 5.3 Definitions

The following definitions should be used when determining the outcome of allegation 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 cause harm to the person 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. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

### 5.4 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.

### 5.5 Potentially Serious Allegations

In the event of a potentially serious allegation, the LADO will be contacted by the Academy Leader a discussion will take place to decide whether:

- 5.5.1 a "strategy discussion" should take place, or
- 5.5.2 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.

## **6.0 Supporting Those Involved**

### **6.1 The employee/agency worker/volunteer**

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

The employee, agency worker or volunteer who is the subject of the investigation will be informed by the Academy Leader as soon as the allegation has been made. The employee, agency worker or volunteer 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, agency worker or volunteer and will advise as to what information may be disclosed to the person under investigation. The agency worker's employer will be informed of the allegation.

The Academy Leader should keep the employee/agency worker/volunteer 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 agency worker or volunteer may be asked not to attend at the academy during the investigation.

The employee/volunteer may need additional support and the Trust will consider what might be appropriate to best accommodate this depending on the situation at the time. The agency worker should obtain additional support from their employer.

### **6.2 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/agency worker/volunteer 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.

## 7.0 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.

## 8.0 Suspensions

A decision will be made whether to suspend the accused employee, agency worker or volunteer pending investigation and/or disciplinary action. All options to avoid suspension will be considered prior to taking the decision and it should only be considered in cases where there is cause to suspect a child or other children are at risk of harm, or if the case is so serious it might be grounds for dismissal. The academy leader will consider alternatives such as:

- 8.0.1 Redeployment within the academy so that the individual does not have direct contact with the pupil concerned.
- 8.0.2 Redeploying to alternative work in the academy so the individual does not have unsupervised access to the pupils.
- 8.0.3 Moving the pupil to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted.
- 8.0.4 Temporarily redeploying the individual 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 Academy Leader and the LADO. This will also include the alternatives to suspension which were considered and why they were rejected. In the case of an agency worker, the employer will be involved in the investigation.

Once suspension has been discussed, the employee/agency worker 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 or for employees on probationary in the Probationary and Induction Policy.

Duty of care whilst suspended

The academy leader has a duty of care to:

- Manage and minimise the stress caused by the allegation
- Inform the individual as soon as possible, guided by LADO
- Advise the individual to contact their trade union representative for support
- Appoint a named representative to keep the person informed about the progress of the case
- Provide access to counselling or medical advice where appropriate.
- Not prevent social contact with work colleagues and friends at work, unless there is evidence to suggest this may prejudice the gathering of

evidence.

## **9.0 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. If a volunteer or agency worker decides to leave the academy, the investigation will still continue.

Settlement agreements for employees will not be used in situations which are relevant to these procedures.

## **10.0 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 agency worker's employer will receive detailed information for the agency worker.

The employee, agency worker, or volunteer will be given a copy of the same information.

The record will be kept, including for people who leave the organisation, for at least 40 years.

## **11.0 Action on conclusion of the case**

If the allegation is substantiated, the Academy Leader 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 Academy Leader 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.

## **12.0 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

## Appendix A

### Concerns that do not meet the harm threshold

Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

### Low level concerns

Creating a culture in which **all** concerns about adults (including allegations that do not meet the harms threshold are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enabling the identification of concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the Trust.

### Definition of a low level concern

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in section 3. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - 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 allegations 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 over 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; or,
- using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the allegation/harm threshold are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

## Sharing low-level concerns

Low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the academy leader.

Staff are encouraged and should feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Where a low-level concern relates to a person employed by a supply agency or a contractor that concern should be shared with the designated safeguarding lead, and recorded in accordance with the school's low-level concern/staff code of conduct policy and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

## Recording low-level concerns

All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Academy leader should decide on a course of action, either through the disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

It is recommended that it is retained at least until the individual leaves their employment.