



Wessex  
Learning Trust

*We Learn Together!*

# Dealing with Allegations of Abuse against Staff Policy

Station Road, Cheddar, Somerset BS27 3AQ Telephone: 01934 742608 Fax: 01934 742757

Email: [office@kowsessex.co.uk](mailto:office@kowsessex.co.uk) [www.kowsessex.co.uk](http://www.kowsessex.co.uk)

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# Wessex Learning Trust

## Dealing with Allegations of Abuse against Staff Policy

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### 1.0 Introduction

The Wessex Learning Trust is committed to providing the highest level of care for both its pupils and staff. It is extremely important that any allegations of abuse made against any member of staff or a volunteer are 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 the Department of Education, Statutory Guidance on Dealing with Allegations of Abuse against Teachers and Other Staff. (October 2012).

This policy is to ensure that all staff, children 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, fairly and as efficiently as possible.

### 2.0 Purpose

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 the Wessex Learning Trust's Complaints Policy and Child Protection and Safeguarding Policy.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at a Wessex Learning Trust Academy has:

- Behaved in such a way that may have harmed a child or may have intended to harm a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children 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 staff are dealt with as efficiently as possible to:

- Protect the child;
- Support the person who is the subject of the allegation.

### 4.0 Procedure

#### 4.1 Reporting an Allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Academy Designated Safeguarding Lead or Headteacher. Allegations about the Headteacher should be reported to the Chair of the Local Governing Body who will then contact the Academy's Designated Safeguarding Lead.

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise a colleague's career. All staff must remember that the welfare of the child is paramount and they must report their concerns immediately. The Wessex Learning Trust Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

## 4.2 Initial Assessment

The procedure for dealing with allegations needs to 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 children's social care.

Where the allegation appears to meet the above criteria the Academy's Designated Safeguarding Lead will immediately inform the Local Authority Designated Officer (LADO) whose advice they must follow.

In cases that do not meet the criteria the Academy's Designated Safeguarding Lead will decide whether to undertake an internal investigation or decide that no further action is required.

The Academy will inform the accused person about the allegation as soon as possible after the initial assessment, providing them with as much information as possible at that time. However, where a strategy discussion is needed, or Police or Children's Social Care Services need to be involved, the Academy's Designated Safeguarding Lead should not inform the accused person about the allegation until those Agencies have been consulted and have agreed what information can be disclosed to the accused.

## 4.3 Investigation

The nature of an investigation will be agreed at the initial assessment stage. A senior member of staff should be appointed to undertake the investigation. Where the Academy is not conducting the investigation it will cooperate with investigative Agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

## 4.4 Supporting those involved

Parents and carers should be told if their child makes or is involved in an allegation against staff if they do not already know. However, if the Police or Children's Social Care are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. There will be a staff member designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. Parents and carers should be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing and the information taken into account should not normally be disclosed. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about staff in section 141F of the Education Act 2002.

The Wessex Learning 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 person who is the subject of the investigation will be informed 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, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

A named representative will keep the employee informed of the progress of the case and any other work-related issues.

If the employee is a member of a Union or any other Professional Association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the Academy should 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.

#### 4.5 Confidentiality

The Wessex Learning 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. At the Wessex Learning Trust we will always endeavour to respect and care for those who are involved in the complaint or investigation and confidentiality is at the forefront of this.

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.

The Designated Safeguarding Lead / Headteacher should take advice from the LADO, Police and Children's Social Care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any, information can be reasonably given to the wider community to reduce speculations; and
- How to manage press interest if and when it should arise.

#### 4.6 Suspension

The Academy should not suspend a member of staff 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, but is removed from the pupil making the allegation.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Headteacher and Chair of the Local Governing Body holds the power to suspend an employee but will be advised by the Police and or Children's Social Care whether or not a suspension is necessary.

Where there is a chance of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

#### 4.7 Resignation

If an employee hands in their resignation when an 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. They will be given full opportunity to answer the allegation.

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

#### 5.0 Record Keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the academy to

- Provide all the necessary information if a reference is requested.
- Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
- Prevent unnecessary re-investigation in the future if an allegation re-surfaces.

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 from the date of the allegation if that is longer.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

## 6.0 Possible Outcomes

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

- **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 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.

### 6.1 Action on Conclusion of the Case

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the Academy to the Independent Safeguarding Authority. The Academy will be advised on this by the Police and/or Children's Social Services.

If it is decided that the employee may return to Academy (after a suspension) then provisions will be put in place by the Academy to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the Academy, the Academy will consider what needs to be done to manage the contact between employee and child.

### 6.2 Action in the Case of False Allegations

When an allegation is proven to be false the Designated Safeguarding Lead may refer to Children's Social Services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere.

If an allegation is found to be intentionally fictitious and malicious, the Headteacher will decide what the proper sanction will be for the pupil who made the false allegation. The Academy Behaviour Policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against academy staff. The Academy has the power to suspend or exclude pupils who make false claims, or refer the case to the Police if the Academy thinks a criminal offence has been committed.

If the claim has been made by a person who is not a pupil, the Academy will hand the information over to the Police who may take further action against that person.

### 6.3 After the Case

No matter what the outcome is of an allegation of abuse against staff, the Academy will review 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 and inform the Wessex Learning Trust Board as appropriate.

## **7.0 Monitoring and Evaluation**

The Wessex Learning Trust Executive Group are responsible for monitoring and evaluating this policy. The policy will be reviewed annually by the Wessex Learning Trust Board as part of its commitment to safeguarding children.

Approved by the Wessex Learning Trust Board: 8/11/16

Review date: November 2017