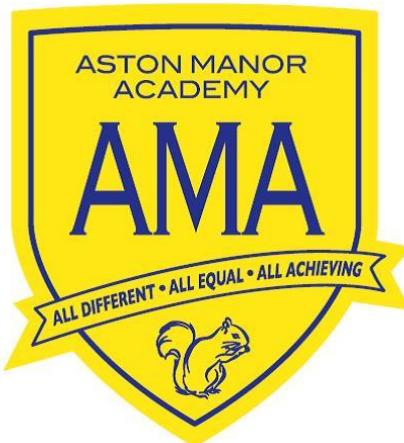


## EQUITAS ACADEMIES TRUST



### **ALLEGATIONS OF ABUSE AGAINST STAFF**

**Review Date:** December 2018

**To be Reviewed:** December 2021

**Agreed:** F & GP Board

**Policy Lead:** Zoe Donnelly

**ALLEGATIONS OF ABUSE AGAINST STAFF**

**1. INTRODUCTION**

The safety and well-being of all of the students in the Trust is of the highest priority. All employees aim to know everyone as an individual and to provide a secure and caring environment, so that every student can learn in safety. It is expected that good manners, respect and fair play is to be shown by everyone so that every student can develop to their full potential and feel positive about themselves as an individual. All students should care for and support each other.

Parents/guardians have an important role in supporting the Trust in safeguarding the children, and they are encouraged to discuss any issues or worries.

Equitas Academies Trust complies with procedures approved by the Birmingham Local Safeguarding Children Board. Staff aim to create an environment in which children are safe from abuse and in which any suspicion of abuse is promptly and appropriately responded to. *This policy should be read in conjunction with the most recent government documentation on keeping children safe in education and safer recruitment.*

**2. PURPOSE**

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any other capacity. The Trust's child protection procedures and the statutory guidance contained in Keeping Children Safe in Education (KCSIE) will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff (including a volunteer) has:

- Behaved in a way that has harmed a child, or may have harmed a child (see Child Protection Policy for definition of harm);
- 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 may be unsuitable to work with children. This will include cases of verbal abuse.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- Consideration by the Trust of disciplinary action in respect of the individual.

**3. SUPPORTING THOSE INVOLVED**

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress

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of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. NB: The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the Headteacher to consider what support the child or children involved may need. The Headteacher will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Headteacher will also keep the individual informed about developments. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

### **4. CONFIDENTIALITY**

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

### **5. RESIGNATIONS AND 'SETTLEMENT AGREEMENTS'**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate.

So called "settlement agreements" in which a person agrees to resign, the Trust agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) for consideration of placing the person's name on the Children's Barred List where circumstances require that.

### **6. RECORD KEEPING**

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

The record will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent unnecessary re-investigation if, as sometimes happens, an

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allegation re-surfacing after a period of time. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

### **7. TIMESCALES**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. The Trust will ensure every effort will be made to manage cases to avoid any unnecessary.

### **8. INITIAL CONSIDERATIONS**

The Local Authority Designated Officer (LADO) should be informed, by the Headteacher, of all allegations of abuse against staff on the same day they are made, even where the police are contacted directly.

The Headteacher will inform the accused person about the allegation as soon as possible after consulting the Chair of the Trust and the LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Headteacher will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Headteacher with the LADO and other appropriate agencies, such as the police and social services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Executive Headteacher will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

Note: The police will be consulted about any case in which a criminal offence may have been committed.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other staff are entitled to use reasonable force to control or restrain students in certain circumstances, including dealing with disruptive behaviour, under S.93 of the Education and Inspections Act 2006.

The LADO and the Headteacher may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the Trust depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal, or a decision not to use the person's services in future.

### **9. SUSPENSION**

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it

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might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the Headteacher and the Board of Trustees. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the Trust's consideration of suspension.

### **10. ACTION ON CONCLUSION OF A CASE**

If the allegation is substantiated and the person is dismissed or the Trust ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Headteacher will determine, with the LADO, whether a referral to the ISA is required, or advisable. The Trust will report to the ISA, any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. This report will be made within one month of the decision to cease using the services of that person.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, the Trust will consider how best to facilitate that and appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Trust will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending work.

### **11. ACTION IN RESPECT OF FALSE ALLEGATIONS**

If an allegation is determined to be false, the Headteacher will refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the student who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a student.

**Date of next review: December 2021**