



Managing Allegations of Abuse made against teachers and other employees

Purpose and Scope

Whilst the Trust's power to discipline employees in line with the Disciplinary Procedures remains unchanged, allegations of abuse made against employees require the Trust to act in accordance with the locally and nationally agreed procedures as set out in the Nottinghamshire Safeguarding Children Board (NSCB) Procedures. The Trust has adopted the Nottinghamshire Local Authority's Child Protection procedures. This policy is for use within Trust schools, indicating when the school should escalate to the Trust.

Legislation and statutory guidance

This policy should be read alongside the statutory guidance contained found in:

- Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children
- Keeping Children Safe in Education

Any guidance from the NCSB or DfE will be adopted automatically by the Trust, which will always act within the local NSCB procedures where abuse is suspected or reported.

For clarity, the term child or children used in this policy refers to everyone under the age of 18.

This policy applies to all employees of the Trust.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Duties as an employer and employee

Allegations of child abuse against a member of staff received by other Trust employees must be reported immediately to the school's Designated Child Protection Officer (DCPO) who is required to manage procedures in accordance with the statutory guidance and the Local Safeguarding Board requirements. The school's DCPO fulfils the role of the designated safeguarding lead as described in the guidance. Where an allegation is made, the DCPO should contact the local authority designated officer (LADO) who is responsible for providing advice, making decisions and monitoring cases. The procedure should be used in respect of all cases in which it is alleged that the employee who works with children has:

- Behaved in a way that has harmed a child, or may have harmed 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 they would pose a risk of harm if they work regularly or closely with children.

When an allegation is made, seeking a quick resolution of the allegation will be the priority for the Trust, with all unnecessary delays avoided. In dealing with an allegation, all options should be considered before suspending the employee – an employee should only be suspended if there is no reasonable alternative (see later section on suspension).

Where there are concerns regarding non-employees referrals will be made under the Local child protection procedures.

The school must ensure that they inform the Trust DCPO of all allegations made against employees ensuring appropriate confidentiality is maintained.

Where the allegations have been made against the school's DCPO, the Head of School is required to manage the procedures and to make contact with the LADO, take advice and act accordingly. Where the allegations have been made against the CEO, the TAG's DCPO will be required to manage the procedures and to make contact with the LADO, take advice and act accordingly in liaison with the Designated Safeguarding Trustee. Allegations made against the TAG DCPO must be referred to the CEO.

In many cases the allegation may not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by the LADO. In such cases, the school in consultation with the Trust will manage and resolve cases as quickly as is possible.

Managing allegations

Because of their daily contact with children in a variety of situations, teachers and school support staff are particularly vulnerable to allegations of abuse. Employees working with children and young people are, therefore, expected to ensure their conduct and behaviour with children and young people is appropriate at all times and to take all reasonable steps to minimise the risk of their actions being perceived as illegal or professionally inappropriate. In addition all employees of the Trust should ensure they are fully aware of and comply with the Trust's code of conduct and behaviour standards which is available from the HR Office.

Allegations made against staff may be false, malicious or misplaced and may be either deliberate or innocent of such intent. The allegations may also be true. It is essential therefore, that everyone involved maintains an open mind in dealing with such allegations.

Although it is a principle of this policy to avoid delays and seek a quick resolution, it is important not to make hasty judgements or take precipitous action. Any investigation should be fair and thorough. The consequences for both the child and the employee of inappropriate or ill-judged actions could have long-term detrimental effects.

The school should ensure that the person who is the subject of the allegations is informed of the allegation as soon as possible after consulting with the LADO. They should also be kept informed of the progress of the case and offered appropriate support. However, in some circumstances the police and / or Children's Social Care may require information to be withheld if it could prejudice their enquiries.

Parents and carers of any children directly involved should also be kept informed about the allegation and the progress of any subsequent procedures after consulting with the LADO. They are also entitled to be told the outcome of any internal disciplinary action.

Every effort should be made to maintain confidentiality while an allegation is being considered or is under investigation. Should the case attract media enquiries at any stage of the procedures, immediate advice should be sought from the CEO before any information is given or a statement made. Any briefings to staff and governors should emphasise the need to avoid breaches of confidentiality and media coverage. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". Therefore employees of the Trust need to ensure they do not breach this restriction.

Initial considerations

Where the DCPO determines that the allegations meet the criteria above they will immediately contact the LADO and provide them with all relevant information. If in doubt about whether it meets the criteria, then the DCPO should still contact the LADO. The LADO and the DCPO will consider the nature, content and context of the allegation and agree a course of action. The LADO may ask for further relevant information to be provided or obtained such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children.

Outcomes of initial considerations

Options are: No further action by external agencies or the Trust is to be taken in regard to the individual facing the allegation. The decision and reasons for this will be recorded. The DCPO will agree with the LADO what information should be put in writing to the employee and what if any action is appropriate to take in respect of the person making the allegation. After consulting the LADO the DCPO will inform the employee about the allegation and provide them with as much information as possible at the time.

OR

No further action by external agencies, but the DCPO determines further action is required and will refer to the Disciplinary Procedure.

OR

The LADO determines that a strategy discussion is needed, or police or local authority's Children's Social Care need to be involved. The LADO will coordinate the appropriate arrangements and will inform the DCPO. The DCPO should not provide any further information to the employee. The strategy discussion will determine what action will be taken and by whom. The point at which the school/Trust can continue with its own disciplinary procedures will be determined by the strategy discussion. No further investigation should be carried out until agreed through this process.

Suspension

The decision to suspend an employee may only be taken by the Head of School who will be briefed by the DCPO/investigating officer.

The employee against whom the allegation has been made should not be automatically suspended, although in certain cases immediate suspension may be necessary. Suspension may subsequently be considered at any stage of the investigation if the situation warrants such action to be taken. It may also be considered at any multi-agency strategy meetings held in relation to the case. The decision to suspend rests with the Trust as employer.

Although suspension itself is not a sanction or disciplinary action, it should not be undertaken without good reason. Alternatives to suspension may include transferring the employee to other duties / location or removal from contact with the pupil. It is also important to be able to demonstrate that the decision to suspend is based on evidence that the allegations are serious. Circumstances which would normally warrant suspension include:

- a) where there is evidence that a child or children continue to be at risk and no other action can be taken to minimise this risk;
- b) where the allegations are so serious that they could constitute gross misconduct if proven;
- c) where it is necessary to allow the conduct of the child protection enquiries/investigation to proceed unimpeded;
- d) where a police investigation is being undertaken and the police have indicated that suspension would be appropriate;
- e) to protect the interests of the employee (this should be agreed with the employee prior to suspension)

In all cases where suspension is being considered, the DCPO should advise the member of staff to seek advice and support from their trade union or professional association if they have not already done so and give them assistance in doing so i.e. access to telephone etc. TAG has a duty of care to its employees, so where an employee is suspended care should be taken at this stage to acknowledge the effect the allegations may have on the individual and to provide appropriate support and counselling if necessary. The suspension of any employee in relation to such investigations shall be with full pay, and should be regularly reviewed to ensure it is still necessary.

The usual process for a suspension meeting is as follows:

- The employee should be advised that they may be accompanied by a work colleague or a trade union/representative at the meeting.
- At the outset of the meeting the employee should be informed that an allegation has been made and that suspension is being considered. The employee, where accompanied, should be offered the opportunity of a meeting with their representative or friend before the suspension meeting. It should be made clear,

however, that the meeting is not a formal disciplinary hearing but is for the purpose of allowing the employee to provide any information that they may wish to prior to the decision to suspend being made.

- The employee should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with enquiries about the allegation. The meeting is not, therefore concerned with an examination of the evidence, but is an opportunity for the employee to make representations concerning any possible suspension. An adjournment should be offered to enable the employee and their representative to meet in privacy to consider their response.
- If, as a result of the meeting or following a decision of a strategy meeting that suspension is required, the Head of School considers that suspension is necessary while the enquiries about the allegation are pursued, the employee will be advised accordingly.

There may be occasions where it is not possible to meet with the employee to carry out a suspension meeting. In these cases the employee will be written to inform them of the allegations and the suspension.

Action following a decision to suspend

Following a decision to suspend pending further enquiries/investigation, the Head of School should inform the CEO of the Trust as soon as possible.

The Head of School should then confirm the terms of the suspension in writing in line with the school's disciplinary policy.

Support will need to be considered for the child or children making the allegations and their parents. Consideration will also need to be given as to what support may be needed for others at the school, both staff and parents, according to the circumstances of the case and bearing in mind the need to maintain confidentiality. Advice may be obtained from the LADO, Children's Social Care, as appropriate.

Action following a decision not to suspend

The DCPO should arrange a meeting to explain to the employee concerned the circumstances which led to consideration of suspension and further explain any follow-up action which it is proposed to take. The employee may be accompanied at this meeting by their trade union representative or work colleague if they are available. According to the circumstances of the case, appropriate assistance or advice may be offered to the employee, including counselling.

If an employee has not been suspended but the DCPO nonetheless has concerns about aspects of their conduct, a full internal investigation should be undertaken before making a decision about further action under the Disciplinary Procedures. However, if a police investigation is being conducted, this must take precedence and the school investigation will not proceed until the police have confirmed that it can continue.

Internal investigation

In all cases that are investigated investigations under the Disciplinary Procedure will not commence until agreement from the LADO and any other external agencies involved in dealing with the allegations. The provisions in the Disciplinary Procedure regarding investigations apply where allegations of abuse are made. Those undertaking investigations into allegations of abuse should be alert to any sign or pattern which suggests that the abuse is more widespread or organised than it appears at first sight, or that it involves other people or organisations. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.

The Investigating Officer will avoid interviewing pupils unnecessarily. Information will be gathered from the Children's Social Care and the police where available and accessible. The Investigating Officer or any other person at the Trust will not take photographs of pupils to support allegations of abuse. Photographs and other information provided by external agencies may be used as a part of the investigation process if appropriate and authorised by the relevant agency.

At the conclusion of the investigation and any subsequent disciplinary process one of the following outcomes will be determined:

- Substantiated: there is sufficient evidence to prove the allegation (on the balance of probability)
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- 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

If the allegation is substantiated, meets the criteria on page 2, and the person is dismissed or the person resigns before the case has concluded the Trust will refer the case to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists.

Malicious allegations

The Trust considers the making of malicious allegations to be unacceptable. Any allegations found not to have been made in good faith by a pupil, parent, other employee or any other person may result in action being taken. Any allegation that is found to be malicious will be removed from the file of the employee that has been accused.

Records and references

A record of the allegations, any investigation and the outcome will be kept on the employee's file. The employee will be provided with copies of any records held. These records will remain on file until normal retirement age or for a period of 10 years from the date of the allegation if that is longer. Details of allegations that are proven to be unsubstantiated, false or malicious will not be referred to in any reference that the school/Trust provides for the employee concerned.