



Procedure for Dealing with Allegations against Staff – Policy Statement and Guidance

Date of Review:	January 2015
Approved by:	Trust Board
Next Review Date:	Spring 2019
Legislation:	DfE Keeping Children Safe in Education

1 Underlying Principles

- 1.1 When an allegation is made against a member of staff, set procedures must be followed. The Rodillian Multi Academy Trust (MAT) will follow the procedures as outlined in this policy statement in line with **DfE Keeping Children Safe in Education and the Academy's Disciplinary Policy and Procedure**.
- 1.2 It is rare for a child to make an entirely false or malicious allegation, although misunderstandings and misinterpretations of events can and do happen. A child may also make an allegation against an innocent party because they are too afraid to name the real perpetrator. Even so, we must accept that some professionals do pose a serious risk to pupils and we must act on every allegation. Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its progress. Suspension is not mandatory, nor is it automatic but, in some cases, staff may be suspended where this is deemed to be the best way to ensure that children are protected. The Executive Headteacher or the Chair or Governors are the only bodies who can agree a suspension of a member of staff of the MAT, in conjunction with the Director of HR, in line with the Disciplinary Policy and Procedure.
- 1.3 This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of staff (including volunteers) in an individual academy that provides education for children/young person have:
 - 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 he or she would pose a risk of harm if they work regularly or closely with children in any establishment regardless of whether the academy/school is where the alleged abuse took place.

- 1.4 Allegations against a member of staff who is no longer employed by the MAT should be referred to the police.
- 1.5 The Rodillian Multi Academy Trust has a duty of care to their employees. We ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer in the academy is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

2 Key Points

- 2.1 Allegations against staff should be reported immediately to the Executive Head Teacher and the Head of School. Allegations against the Executive Headteacher or the Head of School should be reported to the Director of HR and the Chair of Governors.
- 2.2 If an allegation is made against a member of staff the quick resolution of that allegation should be a clear priority to the benefit of all concerned.
- 2.3 In response to an allegation all other options should be considered before suspending a member of staff: suspension should not be the default option. An individual should be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be agreed and recorded by the Executive Head Teacher and the Head of School, and the individual notified of the reasons.
- 2.4 Allegations that are found to be malicious should be removed from personnel records; and any that are unsubstantiated, are unfounded or malicious should not be referred to in employer references.
- 2.5 Students that are found to have made malicious allegations are likely to have breached academy behaviour policies. The individual academy should therefore consider whether to apply an appropriate sanction in line with the Positive Discipline Policy (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- 2.6 In the first instance, the Executive Head teacher/Head of School/Director of HR for the MAT should immediately discuss the allegation with the LADO in the relevant Local Authority.

3 Initial considerations and procedure to be applied

- 3.1 The procedures for dealing with allegations need 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 local authority children's social care services. In

these cases, local arrangements should be followed to resolve cases without delay. The academy's Disciplinary Policy also details the procedure to be followed.

- 3.2 Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Officer (LADO) should be informed of all allegations that come to a academy's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.
- 3.3 In the first instance, the Executive Head teacher or Head of School or chair of governors, in discussion with the Director of HR, should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the Director of HR is to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the Director of HR to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the Executive Head teacher/Head of School and the Director of HR will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the Director of HR should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.
- 3.4 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the Director of HR and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Director of HR should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation. An agreement will be reached if the academy's Disciplinary Policy is to be applied.
- 3.5 The Executive Headteacher/Head of School should inform the accused person about the allegation as soon as possible after consulting the LADO. Where a strategy discussion is needed, or police or children's social care services need to be involved, the member of staff should not be given detailed information until those agencies have been consulted, and have agreed what information can be disclosed to the accused.
- 3.6 If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

3.7 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Director of HR. In those circumstances, the options open to the academy depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to using the Disciplinary Policy to investigate which could lead to a dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

4 Supporting those involved

4.1 The Rodillian Multi Academy Trust has a duty of care to their employees. We act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty.

4.2 Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.

4.3 **The individual** should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where appropriate.

4.4 **The Director of HR or Head of School** should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

4.5 Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

4.6 **Parents or carers** of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

4.7 Parents or carers should also 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 in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

4.8 Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act

2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

- 4.9 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

5 Outcomes of allegations

- 5.1 The following definitions would be used when determining the outcome of allegation investigations following the Academy's Disciplinary Policy and Procedure:

- **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
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

6 Allegations that are substantiated

- 6.1 The Rodillian Multi Academy Trust has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.
- 6.2 The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. **The Director of HR will make this referral to the DBS.**
- 6.3 For further details on managing the situation and exit arrangements refer to DfE guidance:

**Keeping Children Safe in Education
DfE Statutory guidance**

The contact details for the LADO and Local Authority Services:

Leeds City Council

LADO Duty Officer Team: 0113 2478652

CP Referral Duty Team: 0113 3760336

Wakefield District Council

LADO Duty Officer Team: 01977 727145 or 01977 722926

CP Referral Duty Team: 0345 8503503

Kirklees Council

LADO Duty Officer Team: 01484 226748

CP Referral Duty Team: 01484 225804

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