



Procedure for Dealing with Allegations against Staff Policy Statement and Guidance

Elements of this Policy also apply to other adults who come into contact with students within the RMA: Volunteers, Student Teachers, Contractors, Supply Staff and regular visitors

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Approved by:	Trust Board
Next Review Date:	September 2021
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 of the Trust are the only bodies who can agree a suspension of a member of staff of the MAT, in conjunction with the Director of HR and the Head of School, 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;
 - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

- 1.4 Allegations against a member of staff who is no longer employed by the MAT should be referred to the police and/or the Local Authority Designated Officer (LADO).
- 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 another adult 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.
- 1.6 Allegations made against another adult who may come into contact with our students would need to be dealt with following steps within this Policy which would include a referral to the LADO via HR as explained within the Policy.

2 Key Points

- 2.1 Allegations against staff or another adult supporting within the Trust, should be reported immediately to the Executive Head Teacher and the Head of School, who will then liaise with the Director of HR. Allegations against the Executive Headteacher or the Head of School should be reported to the Director of HR and the Chair of the Trust.
- 2.2 If an allegation is made against a member of staff or another adult the quick resolution of that allegation should be a clear priority to the benefit of all concerned, unless the allegation falls within the remit of the Police in which cases a quick resolution may not be possible as initially the matter will be considered/investigated by them.
- 2.3 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. Wherever possible the Director of HR must liaise with the LADO on behalf of the MAT.
- 2.4 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, in liaison with the Director of HR and the will be individual notified of the reasons.
- 2.5 If the allegation is not against a member of Trust staff but another adult then a decision should be taken on whether or not to restrict the adult from supporting within the Trust. Advice from the Director of HR must be taken before a decision is made. In cases where the adult who is supporting within the Trust through another organisation/employer, the Director of HR would inform their employer of the allegation(s).

- 2.6 Consideration must be taken immediately by the Executive Headteacher/Head of School/ Chair of the Trust, in liaison with the Director of HR, as to whether the child is safe to be in the establishment/academy. Initially, considerations will need to be discussed to see if adjustments can be made to ensure that the child does not come into contact with the employee/adult whom the allegation is against. These considerations must then be discussed with the LADO and parent/carers when deemed appropriate.
- 2.7 If it is necessary to take written statements from student witnesses, dependent upon the concern raised, this must be done as soon as possible by a senior member of staff and another adult witness. Consideration must be taken as to the ability of the student to make a statement, in view of their age and any additional needs. Any concerns with regards to the student must be discussed ahead of a statement being taken. Whilst there is no requirement to seek parent/carer permission to take a statement, consideration should be taken where we have concerns in relation to the student's ability or welfare. Consideration should also be given to whether it would be appropriate to advise the parent/carer that a statement has been taken, without divulging any confidentiality. At no stage would a copy of a written statement holding 'special category data', which could present a safeguarding risk, be issued to a parent or carer unless permission is given by the Director of HR, LADO and other relevant authorities.
- 2.8 Where statements have been received from students, they should be signed and dated. If the matter is referred to the Disciplinary Policy and Procedure to be investigated, consideration needs to be taken by the Investigative Officer as to whether or not it is necessary to re-interview the student(s).
- 2.9 Allegations that are found to be malicious should be removed from personnel records; however, for all other allegations, it is important that a clear and comprehensive summary of the allegation(s), details of how the allegation(s) was followed up and resolved, and a note of any action taken and decisions reached, is kept in a confidential file held securely within the HR team.
- 2.10 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 2.11 The MAT has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website).
- 2.12 Students that are found to have made malicious allegations are likely to have breached MAT 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).

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 an 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 the Trust, should discuss the matter with the Director of HR, who will then discuss the allegation with the LADO. In the absence of the Director of HR the Executive Headteacher or the Head of School or the Chair of the Trust will contact the LADO directly. The purpose of an initial discussion is for the LADO to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the Director of HR/Executive Headteacher or the Head of School to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously, the employee/adult's role/current contact with children, and if there are any previous concerns in relation to the employee/adult. There may be situations when the Executive Head teacher/Head of School/Chair of the Trust 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/Director of HR should inform the accused person about the allegation as soon as possible after consulting the LADO. If there is cause to suspect a child is suffering or is likely to suffer

significant harm, the LADO may request that a strategy/allegations meeting is required, in accordance with Working Together to Safeguard Children. Where a strategy/allegations meeting is needed, or police or children's social care services need to be involved, the member of staff/adult, should not be given detailed information until those agencies have been consulted, and have agreed what information can be disclosed to the accused. If the allegation is about physical contact, the strategy/allegation meeting 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.

- 3.6 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy/allegations meeting 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 Trust will 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 formal outcome, a dismissal or a decision not to use the adult/person's services in future.
- 3.7 If the matter is referred back to the Trust to investigate, the Director of HR will be the lead contact to facilitate the next steps as outlined within the RMAT Disciplinary Policy and Procedure, in liaison with the Executive Headteacher/Head of School/Chair of the Trust as necessary.

4 Supporting those involved

- 4.1 The Rodillian Multi Academy Trust has a duty of care to their employees and other adults who support our students. 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 Director of HR, the LADO, 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. If the matter is referred to the RMAT Disciplinary Policy and Procedure this will be communicated to the employee as soon as possible in accordance with the Policy. In serious cases the LADO, Police or Social Care may direct the Trust not to inform the employee/adult in the first instance.
- 4.4 **The Director of HR, Head of School/Executive Headteacher** 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/allegations meeting is required, or police or children's social care services need to be involved, contact should not be made until until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. The LADO and those external agencies will confirm what is acceptable.
- 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 if the matter is to be investigated in line with the Disciplinary Policy and Procedure. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, would not be normally be disclosed to the parents, but if it is deemed necessary then they can 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.
- 4.10 **Any students** who have been the subject of an allegation should be supported within the Academy by an allocated member of the Leadership/Pastoral Team. Where deemed appropriate external agencies should be involved.
- 4.11 Where a student is involved in an allegation due to being a witness, again support will be given as outlined in 4.10 above.

5 Outcomes of allegations where the RMAT Disciplinary Policy and Procedure is applied

- 5.1 The following definitions would be used when determining the outcome of allegation investigations following the RMAT 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
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

6 Allegations that are substantiated where the RMA Disciplinary Policy and Procedure is applied

- 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**

7 References

- 7.1 Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

In all other cases details of any allegation related to safeguarding and child protection must be disclosed on a reference in line with Keeping Children Safe in Education.

The contact details for the LADO and Local Authority Services:

Leeds City Council

LADO Duty Officer Team: 0113 3789687

CP Referral Duty Team: 0113 3760336

Wakefield District Council

LADO Duty Officer Team: 01977 727032

CP Referral Duty Team: 0345 8503503

Kirklees Council

LADO Duty Officer Team: 01484 221000

CP Referral Duty Team: 01484 414960

North Yorkshire County Council

LADO Duty Officer Team: 01609 532477

CP Referral Duty Team: 01904 551900