



# Dealing with Allegations of Abuse Against Staff Members and Volunteers - Procedure

**Adopted By:** Board of Directors

**Date:** 01/10/2022

**Review Date:** 30/09/2023

## Dealing with Accusations of Abuse Against Staff Members and Volunteers – Procedure

Date of Issue:	01 October 2022
Policy applies to:	All staff employed by the Wessex Multi-Academy Trust and all volunteers working at the Wessex Multi-Academy Trust.
Policy Version Number:	01
Purpose of the document:	To provide a clear step by step process to follow when dealing with accusations of abuse against staff and volunteers.
Summary of the main points:	<p>The document provides:</p> <ol style="list-style-type: none"> <li>1. A step-by-step process on how to manage allegations of abuse against members of staff and volunteers.</li> <li>2. Guidance of key responsibilities whilst dealing with related accusations of abuse.</li> </ol>
Approved by:	This policy has been adopted from the Local Authority and had been discussed with the relevant trade unions.
Reviewer:	Robyn Symes, HR Manager
Summary of amendments:	<p>This is a new procedural document to be used in conjunction with the policy document.</p> <p>Clarification has been added to 1.3 clarifying contact with the LADO is to be made prior to any action being taken.</p>
Next review due:	30 September 2023

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## Procedure for Dealing with Allegations of Abuse Against Staff Members and Volunteers

***This procedure should be read in conjunction with the policy for dealing with allegations of abuse against members of staff and volunteers and other relevant statutory and guidance documents issued nationally or by the Department for Education and HM Government, as well as other related Trust policies (please refer to Appendix 1 of the policy document for a list of documents).***

### Introduction

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean **any pupil** at the education establishment.

References made to adults and staff refer to all those who work with children in an education establishment, in either a paid or unpaid capacity.

The term 'allegation' means where it is alleged that a person who works with children has:

- Behaved in a way that has harmed a child, or may have harmed a child  
**OR**
- Possibly committed a criminal offence against or related to a child  
**OR**
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

### 1. Step 1: Reporting of Allegations

- 1.1 All allegations should be reported to the Headteacher immediately, unless the allegation is about the Headteacher in which case it should be reported to the Chair of Governors, or the Vice/Deputy Chair in the Chair's absence. The CEO will be made aware of any allegations made within the Trust.
- 1.2 A written, dated record must be made by the Headteacher/Chair of Governors of the allegations as soon as practicable, but ideally within 24 hours.
- 1.3 The LADO should be informed of all the allegations that come to the Trust's attention **before any action is taken** so that they can consult the police and children's social care services colleagues as appropriate. If the allegation falls under the remit of para 4.0.1 of the policy, the case should be reported to the LADO on the same day, where practicable.
- 1.4 The LADO should also be informed of any allegations that are made directly to the police or children's social care services.

- 1.5 The Headteacher/Chair of Governors should not investigate the allegation at this stage. However, serious consideration will need to be given as to whether it is appropriate to suspend the individual concerned.
- 1.6 Suspension from duty should only be used after careful consideration, after seeking guidance from the HR Team and within the principles contained in the ACAS guidance on suspension.
- 1.7 Consideration should be given to whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence (management leave), additional supervision or by undertaking different duties within the Trust or at home.
- 1.8 Any consideration that is given as an alternative to suspension should be well documented and retained for future reference.
- 1.9 If suspension is considered to be the most appropriate form of action, the reasons should be documented; the employee will be notified and the justification explained and confirmed in writing.

## **2. Step 2: Informing relevant parties**

- 2.1 The Headteacher/Chair of Governors should inform the accused person about the allegation as soon as possible **after** consulting the LADO and subject to 2.3 below. If the person is a member of a trade union or professional association, they should be advised to contact that organisation.
- 2.2 If the parents/carers of the child concerned are not already aware of the allegation, the LADO should also discuss with the Headteacher/Chair of Governors how and by whom they should be informed.
- 2.3 However, where a strategy discussion is needed, or the police or children's social care services need to be involved (see 3.4 below), the Headteacher should not inform the relevant parties until those agencies have been consulted and agreed what information can be disclosed.

## **3. Step 3: Initial Evaluation**

- 3.1 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 services about whether a child is in need of protection or in need of services.
  - Consideration by the academy/Trust of disciplinary/capability action in respect of the individual.

- 3.2 The LADO should discuss the matter with the Headteacher/Chair of Governors, establish that the allegation is within the scope of these procedures and, where necessary, obtain further details of the allegation and the circumstances in which it was made.
- 3.3 Consideration should also be given as to whether any other children may be likely to be at risk, in the light of the allegation, and whether it might be necessary to review any previous allegations made.
- 3.4 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will contact children's social care services and ask for a strategy discussion to be convened straight away. The focus of this discussion will be on the needs of the child or children who may be at risk.
- 3.5 The strategy discussion should include the LADO, HR and the Headteacher/Chair of Governors and take account of information that the academy can provide about the circumstances or context of the allegation and the pupil and member of staff concerned. It may be appropriate for the CEO to be involved in strategy discussions.
- 3.6 If the 'threshold of significant harm' has not been reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the police, academy and other agencies to evaluate the allegation and decide how best to deal with it.
- 3.7 If the allegation is about physical contact, the strategy discussion or initial evaluation meeting should take account of the fact that teachers and other academy staff are entitled to use reasonable force to control or restrain pupils in certain circumstances (see also the Trust's Code of Conduct).
- 3.8 However, the police must always be consulted about any case in which a criminal offence may have been committed.

#### **4. Step 4: Action following initial evaluation**

- 4.1 If the child or children appear to be at risk of significant harm and in need of protection, there should be an urgent referral to local child protection agencies in accordance with the agreed procedures.
- 4.2 If as a result of the strategy discussion, there is reasonable belief to suggest that a criminal offence has been committed, the police will carry out a full investigation as outlined in section 4.7.
- 4.3 Where the initial consideration decides that the allegation does not involve a possible criminal offence or that there is no significant risk to the child, the LADO

should discuss the next steps with the Headteacher/Chair of Governors and institute action as appropriate.

- 4.4 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.
- 4.5 Where appropriate the LADO should continue to liaise regularly with the individual academy/Trust to monitor the progress of any case and provide advice and support as necessary.
- 4.6 The CEO will be kept updated at all stages of the process when dealing with accusations of abuse against staff members and volunteers.
- 5. Unsubstantiated, False, Malicious and unfounded allegations (refer to Appendix 2 of the policy for definitions)**
- 5.1 If the allegation is considered to be false, the LADO should consider referring the matter to children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else.
- 5.2 In respect of malicious allegations, consideration should also be given to whether disciplinary action against the pupil who made the allegation is appropriate.
- 5.3 The member of staff should be informed of the allegation verbally and in writing, if this has not already been done in line with section 2.1. The suspension should be lifted immediately, if applicable. They should be told of the fact that no further action will be taken in accordance with disciplinary/child protection procedures and relevant support considered in respect of their return to work as well as other factors, as appropriate, on a case by case basis.
- 5.4 The Headteacher/Chair of Governors should also inform the parents of the child or the children of the outcome and consider what counselling and support would be appropriate. Advice and support should be sought from the Local Authority as appropriate.
- 5.5 Any details relating to an allegation that are found to be malicious should be removed from the personnel record. Where an allegation is found to be unfounded, unsubstantiated or false and a decision is made to take no further action, a written record should be made, including the reason for the decision. A copy of this should be provided to the employee.

## **6. Police Investigation**

- 6.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.
- 6.2 A target date should be set for reviewing the progress of the investigation and this should take place within a month, if possible, or as soon as possible after the initial evaluation.
- 6.3 When a decision has been made not to charge the individual with an offence or administer a caution, the police should, wherever possible, aim to pass all the information they have to the academy without undue delay as this may be relevant to a disciplinary case.
- 6.4 If the person is convicted of an offence, the police should inform the academy straight away. The action the academy might take will depend on the circumstances of the case and consideration will need to be given to the different standard of proof required in disciplinary and criminal proceedings. For example, it may be the case that whilst there is no criminal prosecution that the standard of proof required for employment law purposes deems that dismissal is appropriate.

## **7. Formal Disciplinary action**

- 7.1 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held, without undue delay, in accordance with the Trust's disciplinary policy.
- 7.2 Notwithstanding 6.1 above, if a police investigation is being undertaken, consideration will need to be given as to whether disciplinary action can be taken in parallel with the criminal process, or whether the disciplinary process will need to await completion of the police enquiries and/or prosecution. In cases where a disciplinary investigation/action is undertaken in parallel with the criminal process, it will have been agreed with the police that there is no requirement to await the completion of enquiries and/or prosecution.
- 7.3 Where further investigation is required to inform consideration of disciplinary action, the Headteacher/Chair of Governors should appoint an appropriate level Investigating Officer, in consultation with HR.
- 7.4 If further evidence comes to light during the course of the investigation, referral to child protection agencies may need to be considered.
- 7.5 The Investigating Officer should aim to provide a report to the individual academy without undue delay, in line with the disciplinary procedure. The nature, scale and duration of any investigation will be proportionate and will depend on the seriousness and complexity of the allegation(s) being investigated.



- 7.6 When the report is received, the individual academy is advised to consult their HR Advisor. Where a disciplinary hearing is needed, this should be arranged in accordance with the Trust's disciplinary policy and without undue delay.

## **8. References**

- 8.1 Allegations which are proved to be unsubstantiated, unfounded, false or malicious must not be included in employer references. Nor should a history of repeated concerns or allegations all of which have been found to be unsubstantiated, unfounded, false or malicious be included in any reference.

## **9. Step 5: Referral to the Disclosure and Barring Service (DBS) / Teaching Regulation Agency (TRA) / Local Authority Designated Officer (LADO)**

- 9.1 On conclusion of the case, where an allegation has been substantiated, the Trust should consult the '[DBS referral guidance](#)' in order to determine whether a referral needs to be made. Where a dismissal/disciplinary investigation leading to a resignation/redeployment of a member of staff relates to a child protection concern, a referral to the DBS is required. Making the referral is the responsibility of the Headteacher (or Chair of Governors) but the LADO and HR will be available for advice. The CEO will be made aware of all cases being referred to the DBS service.
- 9.2 In the case of a member of teaching staff, consideration should be given to referring the matter to the **Teaching Regulation Agency (TRA)** to consider prohibiting the individual from teaching.
- 9.3 In all cases, the outcome of allegation should be notified to the Local Authority Designated Officer (LADO).

## **10. Step 6: Formal Review**

- 10.1 In cases where an allegation has been substantiated, the LADO should review the circumstances of the case with the Headteacher/Chair of Governors/CEO and determine whether there are any improvements that could be made to the Trust's procedures/practice, to help prevent similar events occurring in the future.
- 10.2 Please refer to the flowchart at Appendix A which provides a summary of the procedure.

## Appendix 1: Flowchart – Summary of how to deal with allegations of abuse against staff employed in schools

