



QUANTOCK

EDUCATION TRUST

Allegations of Abuse Against Staff Policy

DATE: September 2020

POSTHOLDER RESPONSIBLE: CEO

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1. Principles

- 1.1 Quantock Education Trust (QET) takes its responsibility of care for its students and staff extremely seriously. QET recognises that any possibility that a member of staff may have hurt a student must be investigated thoroughly and promptly, but in a way that does not prejudice either the student or the member of staff. Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children and at the same time deals fairly with the person who is the subject of the allegation.
- 1.2 The DfE Statutory Guidance for managing cases of allegations is set out in “Keeping Children Safe in Education 2020: Allegations of abuse made against teachers and other staff” and provides the framework for this policy.
- 1.3 This policy applies to all employees at QET. For the purposes of the policy a ‘staff member’ is a person whose work brings them into contact with children in an education setting. It applies to all staff, paid or working in a voluntary capacity (including supply teachers) on or off QET premises and sites or carrying out any activity on behalf of QET.
- 1.4 Definitions:
- Chief Executive means the Chief Executive (CEO) of QET.
 - Head of School/Headteacher refers to all or any of the Head of School/Headteachers at all or any of the academies within QET.
 - Local Governance Committee (LGC) is a key mechanism for local accountability for each academy.
 - Case Manager will manage the allegations/concerns raised and will be the Headteacher, a member of the Executive Team or the Chair of the Trust Board as appropriate
 - Local Authority Designated Officer (LADO) is the Designated Officer for Managing Allegations within the academy’s Local Authority.

2. Important Contacts

	Role	Name	Contact Details
Trust Details	Chair of Trustees	Jenny Ashworth	jashworth@quantockedtrust.co.uk
	Designated Trustee for Safeguarding (DTS)	Cath Macadam	cmacadam@quantockedtrust.co.uk
	Local Authority Designated Officer (LADO)	Anthony Goble	Somerset Direct 0300 123 2224
	CEO	Karen Canham	01278 455531
	Trust HR Manager	Julie North	01278 455531
School Details	Heads of School/ Headteacher	Aaron Reid – Haygrove School Rachel Rood – Spaxton Primary School	01278 455531 01278 671409

		Gary Tucker – Stogursey Primary School	01278 732389
	LGC Chairs	Tina Stoel-Walker – Haygrove School Andrew Watston & Suzanne Traynor – Spaxton Primary School Anna Hammond & Teresa Miller – Stogursey Primary School	

3. Aims

3.1 This policy sets out the procedure to be taken in respect of all cases where it is alleged that a member of staff 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;
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children;
- behaved or may have behaved in a way that indicates he or she may not be a suitable to work with children (this covers any incident in the individual's personal life that might be a transferable risk into the workplace).

This will include allegations involving any type of abuse or neglect, including inappropriate relationships with students, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

3.2 Where required, child/adult protection and criminal investigation procedures will take precedence over this policy. In exceptional circumstances, it may be possible for a statutory investigation and a QET internal investigation to run concurrently.

3.3 Any investigation undertaken as part of this policy may be used in other proceedings under other QET policies as deemed appropriate.

3.4 We will deal with any allegation of abuse against a member of staff, including a supply teacher or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

3.5 Our procedures for dealing with allegations will be applied with common sense and judgement.

4. Responsibilities

4.1 Trust Board will:

- monitor and review this policy. They will ensure safeguarding and child protection training is available to all staff and delegate to the CEO and Headteacher the necessary discretion to manage cases of allegations against staff
- appoint a Designated Trustee for Safeguarding (DTS) to monitor the effectiveness of this policy in conjunction with the Trust Board
- ensure that all allegations are dealt with in a fair and consistent way that provides effective protection and support for the child and the member of staff who is subject of the allegation. The Chair of the Trust Board will manage any allegations against the Chief Executive Officer (CEO) and assume the role of case manager. The CEO (or nominated member of the Executive Team) will manage any allegations against the Headteacher and assume the role of case manager.

4.2 Headteacher:

- will appoint an appropriate senior member of staff to the roles of Designated Safeguarding Lead (DSL) and Deputy DSL
- is responsible for the immediate notification of the allegation to the LADO and will assume the role of the case manager
- will ensure that the reporting procedure for raising concerns and the contact details of key personnel are clearly displayed within the academy and communicated to all staff (including temporary staff) and volunteers as part of their induction
- will ensure that all staff undertake appropriate safeguarding and child protection training and ensure this training is updated regularly
- If the Headteacher is absent, the role of 'case manager' will be delegated to a suitably experienced member of the senior team.

4.3 Designated Safeguarding Lead (DSL):

- is responsible for raising awareness through providing advice and support to staff on child welfare and protection issues. They are to ensure that all staff and students are aware of the procedures for reporting concerns and are aware and understand the contents of this policy
- will refer cases of suspected abuse to the local authority children's social care, where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service (DBS) or where a crime may have been committed to the Police
- will work with the case manager, Designated Officer and take part in strategy discussions and inter agency meetings as required
- will have a responsibility to be familiar with the Statutory Guidance in its entirety
- Complete at the end of the process an outcome form (see Appendix A) and send to LADO.

4.4 All Staff:

- will read and understand Part one and Annex A of the Department for Education's statutory safeguarding guidance, Keeping Children Safe in Education, and review this guidance at least annually
- all members of the senior management team have a responsibility to be familiar with the Statutory Guidance in its entirety.

4.5 Local Authority Designated Officer (LADO):

- The LADO's role is to provide advice and guidance to organisations dealing with allegations, to liaise with the police and other agencies and to monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. All referrals should be made in the first instance by phone to Somerset Direct. Referrals should be followed up using the LADO Reporting Form available on the [Somerset Children Safeguarding Board](#) website.

5. Initial allegation

- 5.1 Everyone who comes into contact with children and their families has a role to play in safeguarding children. If anyone has a concern that a person (as described in paragraph 3.1) may have behaved inappropriately or they receive information that may constitute an allegation they must report the facts to the case manager, (usually the Headteacher) as soon as possible. They should not withhold information however trivial it may seem and should not leave school without discussing their concerns with someone.

- 5.2 Should the allegation be made against the CEO, this should be brought to the attention of the Chair of Trustees immediately.
- 5.3 Should the allegation be made against the Headteacher, this should be brought to the attention of the CEO immediately in their role as case manager. The CEO will inform the Chair of the LGC and will liaise with the LADO.
- 5.4 Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation must report it to the case manager or, if that is not possible they must pass details of the allegation to the case manager immediately themselves.
- 5.5 In the absence of the case manager, staff must report the matter to the most senior person available who will carry out the case manager's duties in his/her absence. They should make a signed and dated written record of their concerns, observations or the information they have received and give it to the case manager straight away.
- 5.6 Allegations of abuse against a member of staff or volunteer who is no longer working for QET will be referred to the police.
- 5.7 **STAFF MUST NOT:**
- attempt to deal with the situation themselves
 - make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents
 - keep the information to themselves or promise confidentiality to staff/pupils involved.
 - take any action that might undermine any investigation or disciplinary procedure such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents/carers.
- 5.8 Allegations which arise from external agencies (i.e. the police) via the Designated Officer will follow the procedure detailed in this policy.

6. Procedure for Dealing with Allegations LADO

- 6.1 The Case manager will immediately discuss the allegation with the designated officer at the local authority. Contact should be made within one working day of receiving an allegation which meets the criteria. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- 6.2. The Case manager will inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- 6.3 Where appropriate (in the circumstances described above), the Case manager, HR Manager and Legal Adviser will carefully consider whether suspension of the individual from contact with children at the

trust is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate (see Section 7 below).

- 6.4 If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the trust and their contact details
- 6.5 If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- 6.6 If it is decided that further action is needed, take steps as agreed with the designated officer to initiate the appropriate action on the premises and/or liaise with the police and/or children's social care services as appropriate
- 6.7 Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to our Employee Assistance Programme via CareFirst counselling.
- 6.8 Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- 6.9 Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- 6.10 Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- 6.11 We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.
- 6.12 If the trust is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the case manager will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the trust's disciplinary process, should this be required at a later point.

6.13 Additional considerations for supply staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome.

The Trust HR Manager will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation.

We will involve the agency fully, but the trust will take the lead in collecting the necessary information and providing it to the local authority designated officer as required.

We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

7. Suspension

7.1 Suspension will not be an automatic response to the reporting of allegations. The case manager will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on the assessment of risk the following alternatives will be considered:

- redeployment within the academy or across the Trust to remove direct contact with the child(ren) concerned;
- providing a work colleague to be present when the member of staff has contact with children;
- redeployment to alternative work within the academy or across the Trust which does not require unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted;
- temporarily redeploying the individual to another role in a different location, for example to an alternative site or other work for trust.

7.2 Suspension will only be considered where there is cause to suspect a child or other children at the academy or Trust is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. Advice can be sought from the Trust HR Manager, Legal Adviser and Designated Officer.

7.3 If immediate suspension is considered necessary, the rationale and justification will be recorded by the case manager. The member of staff will be informed at the point of their suspension of their named point of contact within QET and be provided with their contact details. Written confirmation of the suspension (on full pay) will be provided to the member of staff as soon as practicably possible, but no later than five school days.

8. Definitions for outcomes of allegation investigations

- 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 prove or disprove the allegation (this does not imply guilt or innocence)
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

9. Supporting those involved

9.1 Staff

The Trust has a duty of care to our employees and will endeavour to manage and minimise the stress inherent in the allegations process.

After speaking with the LADO, individuals will 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 Designated Officer, children's social care services or the police.

The individual will be advised to contact their Trade Union Representative, if they have one, or a work colleague for support.

The case manager will appoint a named point of contact to keep the person who is the subject of the allegation informed of the progress of the investigation and consider what other support is appropriate for the individual.

9.2 Parents/Carers

Parents or carers of the child(ren) involved should be informed about the allegation as soon as possible if they do not already know of it (following agreement with the children's social care services and/or police on what information can be disclosed, if applicable).

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against staff whilst investigations are ongoing as set out 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.

10. Confidentiality

- 10.1 QET will make every effort to ensure that confidentiality is maintained and to guard any unwanted publicity throughout the process. Any enquires from the press should be directed to the CEO.
- 10.2 The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:
 - Who needs to know about the allegation and what information can be shared?
 - How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
 - What, if any, information can be reasonably given to the wider community to reduce speculation
 - How to manage press interest if, and when, it arises.

11.Record-keeping

- 11.1 The case manager will keep a clear and comprehensive summary of the allegation, the process followed and the outcome. If an allegation or concern is not found to have been malicious, the academy will retain all notes of action taken and decisions reached on the staff member's personal file. Records will be retained until the member of staff has reached normal pension age or for a period of 10 years from the date of the allegation whichever is the shortest period.
- 11.2 The records of any allegation that is found to be malicious will be deleted from the staff member's personal file.
- 11.3 Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.
- 11.4 The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

12.Timescales

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

13.Specific Actions

13.1 Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

13.2 Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the Trust's HR Manager will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

If the individual concerned is a member of teaching staff, the case manager and HR Manager will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

13.4 Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still on the trust premises.

13.5 Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the headteacher/head of school, or other appropriate person in the case of an allegation against the headteacher/head of school, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

14. Learning Lessons

After any cases where the allegations are substantiated, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated
- How future investigations of a similar nature could be carried out without suspending the individual

15. Confirmation of outcome

Whatever the outcome of the investigations, the case manager must complete an outcome form (Appendix A) which should be sent to the LADO.

Outcome of Allegation Made Against Staff Member

Explanatory Statement

This statement is made in accordance with the Safeguarding Children in Education Guidelines: Dealing with Allegations of Abuse against Teachers and Other Staff.

There is a requirement to keep clear and comprehensive summary of allegations, **how the allegation was followed up and resolved, and a note of any action taken and decision reached**. This should be kept on an employee's confidential personnel file, and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will also provide clarification in cases where a future DBS Disclosure reveal information from the police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation, if, as sometimes happens, an allegation resurfaces after a period of time.

The record should 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.

Name:
Academy/Service:
Date of Allegation:
Summary of Allegation made:
How Allegation was followed up:
Outcome of Management investigation:
Action taken and decision reached: