



# Allegations of Abuse against Staff Policy

The Richard Huish Trust

Trust Executive



**Approved by RHT Board on:** 15 May 2019

**Next review due by:** Sept 2019

# Contents

## Allegations of Abuse against Staff

	Page
1. Introduction	3
2. Purpose	3
3. Timescale	3
4. Procedure	3
5. Investigation	4
6. Supporting those involved	4
7. The Employee	5
8. Confidentiality	5
9. Suspensions	5
10. Resignations	5
11. Record Keeping	6
12. Action on conclusion of the case	6
13. Action in the case of false or malicious allegations	6
14. After the case	6
15. Monitoring	6
16. Related Policies and Documents	6

## Appendix A: Allegations Process Flow Chart

## **1. Introduction**

Richard Huish Trust (the Trust) provides governance and oversight to those Academies which are part of the Trust namely: The Taunton Academy, West Buckland Primary, North Curry CofE Primary Nerrols Primary and Nursery, and North Town Primary.

The Trust is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our academy are dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, pupils and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible.

We hope that having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the headteacher immediately or to the chair of governors where the headteacher is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

## **2. Purpose**

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the academy's complaints policy and child protection and safeguarding policy, available on the individual academies websites.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the academy has met the following criteria:

- 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 may pose a risk of harm to children

## **3. Timescale**

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and pupils should be aware of the procedures set out in this policy.

## **4. Procedure**

### **Reporting an allegation**

All allegations made against staff should be reported immediately to the headteacher. Complaints about the headteacher should be reported to the chair of governors who will then contact the designated officer at the local authority.

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

The headteacher/chair of governors will contact the designated officer at the local authority and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

The academy will share available information with the designated officer about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and police.

*Contact Details for your local authority designated officer (LADO)*

For further information see: SSCB's Allegations Management or contact Somerset Direct for a referral to the LADO **Somerset Direct 0300 123 2224**.

## 5. Investigation

An investigation into the allegation is normally carried out by children's social services or by the academy. This will be agreed at the initial evaluation stage. Where the academy is not conducting the investigation, it will cooperate with investigative agencies.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

The following definitions should be used when determining the outcome of the investigation:

- **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. 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. Supporting those involved

### **The pupil(s) who make(s) the allegation and their parents/carers**

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome.

During a disciplinary hearing, the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome in confidence.

Social services and the police may be involved and will provide the academy with advice on what type of additional support the child may need.

The Trust's **whistleblowing policy**, available on the academy website, enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

## **7. The Employee**

The Trust has a duty of care to its employees and will take steps to minimise the stress of any allegation and the investigation process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the designated officer. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The *[chair of governors or a named representative]* will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and the academy will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

## **8. Confidentiality**

The academy will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in an academy who has been accused by, or on behalf of, a pupil from the same academy. This applies to parents and carers as well as the press.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

## **9. Suspensions**

The academy will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

The employer *[chair of governors]* holds the power to suspend an employee but will listen to the views of the police and or social care regarding suspension.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

## **10. Resignations**

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

## **11. Record keeping**

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

## **12. Action on conclusion of the case**

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, the academy will consider whether a referral must be made to the DBS and/or to the Teacher Regulation Agency (TRA), as appropriate.

If it is decided that the employee may return to academy after a suspension, then provisions will be put in place by the academy to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the academy, the academy will consider what needs to be done to manage the contact between employee and child.

## **13. Action in the case of false or malicious allegations**

Where an allegation is proved to be false, the headteacher and chair of governors may refer to social services to determine whether the child needs support or has been abused by someone else.

The academy's **behaviour policy** sets out the disciplinary action that may be taken against pupils who are found to have made malicious allegations against academy staff. The headteacher may consult the academy governors when considering what action to take.

If the claim has been made by a person who is not a pupil, the academy may pass the information to the police who may take further action against that person.

## **14. After the case**

No matter what the outcome is of an allegation of abuse against staff, the academy will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

## **15. Monitoring**

This policy will be reviewed annually.

## **16. Related Policies and Documents**

RHT Academy Behaviour Policy  
RHT Whistleblowing Policy  
RHT Complaints Policy  
RHT Disciplinary Procedure