



BATH & WELLS  
Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

**Managing Safeguarding Allegations against Staff**

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## 1. PURPOSE

- 1.1 The purpose policy is to ensure that all staff, governors, volunteers and parents or carers are aware of the procedure for managing safeguarding allegations made against staff.
- 1.2 All allegations should be managed in accordance with this procedure and the statutory guidance from the Department of Education and South West Child Protection procedures please visit <http://www.proceduresonline.com/swcpp/> .

## 2. APPLICABILITY

- 2.1 All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances. All staff and workers within the Bath & Wells Multi Academy Trust (hereafter referred to as the BWMAT) have responsibility to report any concerns that come to their attention. The BWMAT and each individual school has a responsibility to take all concerns seriously and manage them in accordance with this process.
- 2.2 This procedure should be applied when there is such an allegation or concern that a person who works with children, has:
  - behaved in such a way that may have harmed a child or may have harmed a child
  - acted outside of the law in relation to dealings with a child
  - behaved in any way that suggests they may be unsuitable to work with children
  - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
- 2.3 The above behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:
  - Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
  - 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence
  - Other 'grooming' behaviour giving rise to concerns of a broader child protection nature
  - Possession of indecent photographs / pseudo-photographs of children.
- 2.4 The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy and the procedures must be followed when dealing with allegations but may be adapted to each individual case. This policy will be used alongside the **complaints procedure, disciplinary policy and safeguarding policy.**

## 3. TIMESCALE:

- 3.1 Allegations against staff should be dealt with as quickly and as efficiently as possible to:
  - minimise the risk to the child
  - minimise the impact on the child's academic progress
  - ensure a fair and thorough investigation for all parties
  - minimise impact on staff
- 3.2 To enable this to happen, all staff, volunteers and parents should be aware of the procedures set out in this policy.

## 4. ROLES AND RESPONSIBILITIES

### 4.1 Reporting an allegation

- 4.1.1 All concerns of poor practice or possible child abuse by staff or volunteers should be reported immediately to the to the Head Teacher, or in their absence the Designated Safeguarding Lead or a named Deputy. Where the allegation concerns the Head Teacher it should be reported to the Schools Designate Safeguarding Lead or named Deputy who will refer the matter to Schools Chair of Governors or a senior member of the MAT Central Team. The Head Teacher/Senior Staff member or Governor to whom the allegation is reported and takes responsibility for the management of the concern will be referred to as 'Designated Senior Manager' throughout this policy.
- 4.1.2 The Bath and Wells MAT central team must be informed when an allegation has been made and will provide management, HR and Safeguarding advice.
- 4.1.3 The Designated Senior Manager will then report the concern to the local authority designated officer (LADO) within one working day of the allegation being made.
- 4.1.4 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.**

## **4.2 Initial action by person receiving or identifying an allegation or concern**

- 4.2.1 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.  
They should not:
- Investigate or ask leading questions if seeking clarification;
  - Make assumptions or offer alternative explanations;
  - Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.
- They should:
- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
  - Sign and date the written record;
  - Immediately report the matter

## **4.3 Initial action by the designated senior manager**

- 4.3.1 When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses.  
They should:
- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
  - Approve and date the written details;
  - Record any information about times, dates and location of incident/s and names of any potential witnesses.
  - Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- 4.3.2 The Designated Senior Manager should report the allegation to the MAT Central Team and to the LADO within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures could be a potential disciplinary matter.
- 4.3.3 The Senior Manager will discuss the allegation with the LADO and the following considerations will be made:
- Agree whether the allegation(s) meet the threshold criteria
  - Decide whether further action is required

- Decide whether there needs to be a potential police investigation of a possible criminal offence;
  - Decide the need for children's social care enquiries and/or assessment about whether a child is in need of protection or services;
  - Consideration of disciplinary action
- 4.3.4 The LADO and the designated senior manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.
- 4.3.5 The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation, disciplinary investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, specialist children's services, the GP and police.
- 4.3.6 The Designated Senior Manager should seek advice from the LADO, the police and / or Children's social care (where involved) about how much information should be disclosed to the accused person and/or children and parents.
- 4.3.7 Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).
- 4.3.8 The accused member of staff should:
- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
  - Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
  - If suspended, be kept up to date about events in the workplace.
- 4.3.9 Ofsted should be informed of any allegation or concern made against a member of staff in any establishment for children under 8.

## 5. STRATEGY MEETING/DISCUSSION

- 5.1 Where the LADO determines a strategy meeting is required agreement will be made on those representatives who should attend on behalf of the School/Multi Academy Trust.
- 5.2 On completion of the case a final strategy discussion may be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.
- 5.3 The strategy meeting / discussion will take into account the following definitions when determining the outcome of allegation investigations:
1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
  2. **False:** there is sufficient evidence to disprove the allegation;
  3. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
  4. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.

## **6. DISCIPLINARY PROCESS AND INVESTIGATIONS**

- 6.1 The LADO and the designated senior manager should discuss whether disciplinary action is appropriate in all cases. Please refer to the MAT's Disciplinary Procedure for details and to the MATs Authority to Act Table for details of who is authorised to act in Disciplinary situations. Advice should be sought from the MATs Human Resources Department.
- 6.2 Where disciplinary action/investigation is identified as well as the need for investigations from other agencies such as the Police or Social services, the Designated Senior Manager will liaise with the LADO to determine whether the disciplinary investigation needs to be put on hold until Police and Social Services investigations are complete.
- 6.3 If it is clear at the outset and decided in discussion with the LADO that a police investigation or LA children's social care enquiry is not necessary, then the disciplinary investigation may proceed.
- 6.4 Where external investigations are required, the employer or LADO will be informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued, at which point the Disciplinary process can proceed.
- 6.5 The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:
- Information provided by the police and / or Children's social care;
  - The result of any investigation or trial;
  - The different standard of proof in disciplinary and criminal proceedings.
- 6.6 In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and Designated Senior Manager should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action.
- 6.7 If formal disciplinary action is not required, the Designated Senior Manager should institute appropriate action within three working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.
- 6.8 If further investigation is needed to decide upon disciplinary action, the Designated Senior Manager and the LADO should discuss whether the MAT has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.
- 6.9 Where the investigation is carried out internally the Designated Senior Manager will determine who will undertake this. The investigating officer will be a senior staff member who has had no previous involvement in the case.
- 6.10 The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the individual's suitability to work with children.
- 6.11 If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.
- 6.12 The investigating officer should aim to provide a report within ten working days. On receipt of the report the Designated Senior Manager will aim to decide within two working days whether a disciplinary hearing is required. The disciplinary hearing will then usually be held within 15

working days. The Designated Senior Manager may decide to obtain further advice from the LADO before proceeding.

- 6.13 On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

## **7. SUSPENSION**

7.1 The MAT 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 and not pose a risk of harm to children. Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal; or
- To prevent the repetition of the conduct complained of; or
- To prevent interference with evidence; or
- To protect persons at risk from such conduct; or
- To protect the business reputation of the employer where the conduct of the employee is known to those doing business with the employer.

## **8. SUPPORTING AND INFORMING THOSE INVOLVED**

8.1 The MAT will work with Children's Social Care and/or the Police, where they are involved will consider the impact on the child concerned and provide support where appropriate

### **8.2 The person(s) who makes the allegation and their parents/carers**

8.2.1 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 specialist children's 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. The staff member designated to the role of liaising with the parents and child about the case will ensure that they are fully informed as far as they are able to share; usually the school's Designated Safeguarding Lead will adopt this responsibility. Where the MAT is able to share the information, 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 an appropriate level of information about the outcome.

8.2.2 Social services and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.

### **8.3 Staff**

8.3.1 The school's whistleblowing policy, along with the provisions of this policy, enable staff to raise concerns or allegations against their colleagues and for a sensitive enquiry to take place.

8.3.2 According to the nature of the allegation, any guarantee of confidentiality will be subject to expected standards of professional integrity for child protection.

8.3.3 The BWMAT and its individual schools have a duty of care to its employees and will do everything it can to minimise the stress of any allegations and the disciplinary process.

8.3.4 The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the designated senior manager has spoken to the MAT Central Team and LADO. 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.

- 8.3.5 The Designated Senior Manager will keep the staff member informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. Human Resources should be consulted as soon as possible in order that appropriate support can be provided via Occupational Health if needed.

## **9. CONFIDENTIALITY**

- 9.1 The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation in order to ensure a fair investigation with minimum impact for all parties.
- 9.2 A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

## **10. RESIGNATIONS AND SETTLEMENT AGREEMENTS**

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation. A settlement agreement must not be used until the Allegations Against Staff process is complete, or not applicable. Settlement agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed.

## **11. RECORD KEEPING**

- 11.1 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- 11.2 The purpose of the 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 provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.
- 11.3 Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the school to:
- provide all the necessary information for future schools if they require a reference,
  - where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
  - prevent unnecessary re-investigation in the future if an allegation re-surfaces.

- 11.4 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.
- 11.5 Allegations that are proven to be malicious will not be kept on employment records or used in employee references.
- 11.6 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**

- 12.1 If the allegation is substantiated and the person is dismissed, or the MAT ceases to use the persons services, or the person resigns or otherwise ceases to provide their services, the LADO, Designated Manager and HR should discuss whether a referral should be made to the DBS for consideration of inclusion on the barred list, and in the case of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.
- 12.2 There is a legal requirement for the MAT to refer to the DBS where it is believed that an individual has engaged in conduct that has harmed or is likely to harm a child; or if a person otherwise poses a risk of harm to a child.
- 12.3 Being subject to an allegation is likely to cause distress to the staff member. Where the individual's employment continues following an allegation being made, consideration should be made for support, counselling and/or professional advice for the employee. In cases where the individual was suspended a smooth transition should be ensured, this may involve a phased return 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 school, the school will consider what needs to be done to manage the contact between employee and child.

## **13. INFORMATION SHARING**

- 13.1 Issues relating to allegations are of a confidential nature and information should only be shared on a 'need to know basis'. It may be appropriate to confidentially share with the Chair of the Board/Local Chair of Governors information on the impact on the schools community. Other members of Boards may receive relevant factual information. It is important that other board members do not have details or become informally involved with the allegations. Any such knowledge is likely to prejudice any formal action that they may later be required to become involved with

## **14 OTHER CIRCUMSTANCES FOR APPLYING THE POLICY**

- 14.1 These procedures will also be applied when:
- There are concerns about the person's behaviour outside of the school that require consideration to the risk they pose to the children they work with
  - There is an allegation made about historic abuse and the accused person is or maybe still working or having contact with children

## **15 LESSONS LEARNED**

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