
MANAGING ALLEGATIONS AGAINST ADULTS POLICY



RÆDWALD
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RATIFIED BY THE TRUST BOARD:
15TH NOVEMBER 2023

NEXT REVIEW DATE: NOVEMBER 2024

November 2023



MANAGING ALLEGATIONS AGAINST ADULTS POLICY

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Policy author:	Angela Ransby
Date to Trust Board:	November 2023
Date Ratified:	15 th November 2023
Date to be Reviewed:	November 2024
Policy displayed on website:	Yes

CEO Signature:	Angela Ransby
Trust Board Signature:	Alan Whittaker

Updates made:	Date:
p. 3 & 8 – reporting allegations and low level concern procedures updated.	10 th November 2022
Sections 4, 5, 6, 8 & 10 updated	1 st November 2023

1. Scope

This policy applies to all cases in which it is alleged that a current member of staff, contractor or volunteer (adult) 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 he or she would pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

It applies regardless of whether the alleged abuse took place in the Academy or Trust. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

If we are in any doubt as to whether a concern meets the harm threshold, we will consult our Local Authority Designated Officer (LADO).

We will deal with any allegation of abuse against an adult 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.

An Investigating Officer will lead any investigation. This will be the Head Teacher. Where the Head Teacher or CEO is the subject of the allegation, the Investigating Officer will be either the CEO or an independent investigator. The Investigating Officer will be identified at the earliest opportunity.

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

This policy should be read alongside our full Safeguarding & Child Protection Policy which lays out our full procedures.

If you have a concern that a person who works with children and young people may have behaved inappropriately or you have received information that may constitute an allegation you must:

Report this immediately to your Head Teacher (or to the CEO if about the Head Teacher, or to the Chair of Trustees if about the CEO) verbally in the first instance.

Send full details of your concern in writing to your Head Teacher (or to the CEO if about the Head Teacher, or to the Chair of Trustees if about the CEO) in writing via an encrypted email. This record should include details of the concern, the context in which the concern arose, and action taken. Should the individual reporting the concern wish to remain anonymous then that will be respected as far as reasonably possible.

The Head Teacher must inform the CEO of any allegations or low level concerns received.

If your concern is about the Chair of Trustees, this should be reported directly to LADO (telephone: 0300 123 2044, email: LADO@suffolk.gov.uk)

You must not discuss your concern with anyone other than the person you are reporting it to.

2. Suspension

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the Trust so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the academy so that they do not have 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 school or other work for the Raedwald Trust.

3. 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

4. Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Head Teacher (HT), and where the Head Teacher is the subject of the allegation the CEO, will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
- Immediately discuss the allegation with the LADO. 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 LADO – 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).

- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (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.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the academy is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the LADO and make a risk assessment of the situation. If necessary, a referral may be made to children's social care.
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. 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 school and their contact details.
- **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 LADO 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.
- **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.
- 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. Employee assistance support is available to all staff and details can be found in the RT Staff Handbook.
- 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.

- Keep the parents/carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).
- 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.

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.

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.

Additional considerations for supply staff and all contracted staff

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

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The CEO will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the Trust, while the investigation is carried out.
- We will involve the agency fully, but the Trust will take the lead in collecting the necessary information and providing it to the LADO 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.

5. Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- 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, appropriate action should be taken 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.

6. Specific actions

Action following a criminal investigation or prosecution

The CEO/HT will discuss with the LADO 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.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the Trust ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the Trust will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

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

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 attending the academy.

Unsubstantiated, unfounded, false or malicious reports and allegations

If a report or allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the CEO will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the Trust will consider whether any disciplinary action is appropriate against the individual(s) who made it.

7. Confidentiality and Information Sharing

The Trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, 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

8. Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

9. References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious. We will include substantiated allegations, provided that the information is factual and does not include opinions.

10. 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 Trust'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. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

11. Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the Trust that they were abused as a child, we will advise the individual to report the allegation to the police.

12. Managing Low Level Concerns

The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children.

Sharing low-level concerns

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Report this immediately to your Head Teacher (or to the CEO if about the Head Teacher, or to the Chair of Trustees if about the CEO) verbally in the first instance.

Send full details of your concern in writing to your Head Teacher (or to the CEO if about the Head Teacher, or to the Chair of Trustees if about the CEO) in writing via an encrypted email. This record should include details of the concern, the context in which the concern arose, and action taken. Should the individual reporting the concern wish to remain anonymous then that will be respected as far as reasonably possible.

The Head Teacher must inform the CEO of any allegations or low level concerns received.

If your concern is about the Chair of Trustees, this should be reported directly to LADO (telephone: 0300 123 2044, email: LADO@suffolk.gov.uk)

You must not discuss your concern with anyone other than the person you are reporting it to.

Low-level concerns which are shared about supply staff and contractors will be notified to their employers by the CEO, so that any potential patterns of inappropriate behaviour can be identified.