

# **The Boston Witham Academies Federation**



## **Safeguarding: Managing Allegations against Adults Working within the Trust**

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## **Policy Statement**

The care and support of all children and young people is of paramount concern to the Boston Witham Academies Federation. The Trust takes the day to day care of its pupils, staff and volunteers very seriously. The Trust recognises that for large parts of pupil's early life, teachers and support staff play a key and critical role in influencing and shaping their life; academically, socially and morally.

The Trust takes allegations of any kind against an adult working within the Trust very seriously and this policy outlines the steps which should be taken when such allegations arise in relation to pupil welfare and safeguarding.

All adults working within the Trust, children and young people and their parents/carers will be made aware of this policy and it will be available on the Trust's and Academies' websites for public access.

This Policy affirms that any allegations should be dealt with robustly, without prejudice and with the co-operation of external agencies where appropriate and necessary. This Policy should be read alongside:

- The Boston Witham Academies Federation: Child Protection and Safeguarding Policy;
- The Boston Witham Academies Federation: Safeguarding Practice Guidance;
- Working Together to Safeguard Children – July 2018;
- DfE Keeping Children Safe in Education 2019;
- Local arrangements for managing allegations issued through the relevant LSPs;
- The Children Act 1989 and 2004;
- The Children and Social Work Act 2017;
- The Education Act 2002.

This document follows statutory guidance from the Department for Education when carrying out duties relating to handling allegations of abuse against adults working within the Trust.

## **Responsibilities**

Every adult working within the Trust has a statutory responsibility to report all allegations of child abuse and to alert the Head of Academy, VCEO and CEO if the Head of Academy is the subject of the allegation, if they suspect that child abuse may have occurred. Failure to report a child protection concern could result in disciplinary action.

The Head of Academy, Executive Team and Directors are responsible for ensuring that employees are aware of their duty to report any allegation or concerns of a child protection nature. The failure to report may:

- put a child at risk; or
- imply a breach of the employee's contractual duty.

## **Allegations against Adults Working within the Trust**

This policy should be followed in all cases where concerns are identified in relation to an adult working within the Trust that could lead to, or has resulted in, a potential safeguarding issue.

Concerns can take many forms, including:

- a concern about an adult working within the Trust's behaviour and attitude which is not conducive to the best care of children and young people;
- a lack of professionalism, especially staff speaking negatively about any part or functioning of the organisation;
- competency and ability; and
- failure to follow the Trust's agreed policy and practice.

These types of concern should be dealt with internally within existing HR policy.

There are criteria within national and local guidance that indicate when concerns must be discussed with outside agencies, especially the Designated Officer (formerly LADO). This is a statutory role which gives advice, support and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people and, if appropriate, vulnerable adults.

Trust procedures must not be confused with statutory investigations carried out by Social Services or the Police. Internal investigations must only be carried out once the Designated Officer and Police have concluded their involvement or at their request.

The following must be discussed with the Designated Officer where adults working within the Trust have:

- 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 would pose a risk of harm if they work regularly or closely with children.

**Appendix 1** summarises the procedure for managing allegations and highlights when it is appropriate to make contact with the Designated Officer.

**Appendix 2** summarises the key responsibilities of the Designated Officer.

The CEO, VCEO and Trust's Safeguarding Lead must be notified of any such concerns via the notification form **SGF4 (Appendix 3)** and it will ensure that support is offered to all relevant parties, including the person against whom the allegation has been made.

It is acknowledged that concerns about adults working within the Trust will come from a variety of sources, sometimes other than from the person who may be the victim of any concerns. It is essential that all adults understand that no matter whether they are directly or indirectly affected by any concerns, they should be passed on.

## Dealing with Allegations against Adults Working within the Trust

### Investigations

There are three types of investigation:

- by Social Services and the Police;
- by the Police under criminal law; or
- by the Boston Witham Academies Federation in line with staff disciplinary procedures.

If an allegation is made against an adult working within the Trust, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

In cases where concerns must be discussed with the Designated Officer (see Appendix 1), the Academy/Trust should not initiate an internal investigation into an allegation against the adult until consultation has taken place with the Designated Officer.

When an allegation of abuse is made against an adult working within the Trust there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection.

All allegations or concerns must be immediately reported to the Head of Academy who will act as the Case Manager. If the Head of Academy is the subject of the allegation you must notify the CEO and VCEO.

In situations where a member of the Central Team is the subject of an allegation, they must be reported to the Chief Executive in the first instance. The Chief Executive will allocate a suitable Case manager. Concerns relating to the Chief Executive, Vice Chief Executive or a Trustee must be reported directly to the Chair of the Trust Board. Concerns about the Chair of the Trust Board must be reported directly to the Chair of the Standards and Curriculum Sub-Group.

The Case Manager (Head of Academy) will be responsible for:

- contacting the Designated Officer to share the information about the allegation and to discuss the next steps;
- record decisions (including the rationale behind them);
- informing all parties, if no further action;
- discussing options for the person against whom the allegations are made with the CEO, VCEO, Trust Safeguarding Manager and Human Resources;
- attend, with the support of the Trust's Safeguarding Team, any appropriate strategy meeting if and when called.

The discussions with the Designated Officer will help the Case Manager to know the best options to deal with the allegations. If the matter is to be dealt with internally within the Academy or setting, the Head of Academy will, with the necessary support from the HR Manager, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

If the Designated Officer feels that the matter needs a formal investigation external to the Academy or the Trust this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

Agreement must be reached with the Designated Officer (and the Police / Children's Social Services if appropriate) and HR as to how information is shared and maintained with the adult concerned throughout the investigative process.

The Case Manager will keep a record of all agreed action and the strategies used including the rationale behind them throughout the investigation process.

### **Supporting those Involved**

The Boston Witham Academies Trust has a duty of care to its employees and volunteers and will act to manage and minimise the stress inherent in the allegations process. Individuals will be notified of any concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by Children's Social Services or the Police. The adult will be advised to seek support from a colleague which may include representation from their professional body.

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

Arrangements must be made by the Case Manager to notify the parents or carers of a child(ren) of the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or the Police or Social Services need to be involved, the Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed. Parents or carers should be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child should be told the outcome in confidence.

Parents and carers must be made aware of the requirement to maintain confidentiality about any allegations made against a teacher whilst investigations are ongoing (Education Act 2002 section 141F paragraph 171).

It is extremely important that when an allegation is made that all parties make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

### **Considering Suspension**

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved.

Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. Based on assessment of risk, the following alternatives should be considered by the Case Manager with the support of the HR Manager and CEO before suspending the adult in which the allegation has been made against:

- redeployment within the academy so that the individual does not have direct contact with the child(ren) concerned;

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

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Case Manager (including notification to HR) and the Designated Officer(s). This must also include what alternatives to suspension have been considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation will be sent within one working day explaining the reasons for the suspension.

It is important to note that suspension is a neutral act which can protect the interests of both parties and is not a presumption of guilt.

Particular care will be taken where the person is suspended to ensure they are kept informed of both the progress of their case and current work-related issues. The Trust will not prevent social contact with colleagues and friends unless such contact is likely to be prejudicial to the gathering and presentation of evidence.

It is important to note that the decision to suspend can be taken at any point during the investigation.

A referral to the DBS must be considered for any staff member for whom it is decided that they should be deployed to another area of work that is not regulated activity, or they are suspended through this policy.

## **Resignations**

If the accused person resigns, or ceases to volunteer, this should not prevent an allegation being followed up in accordance with the statutory guidance 'Keeping Children Safe in Education 2018'.

## **Outcomes**

Where a case has been referred to the Designated Officer an outcome will be agreed at the end 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 / Unfounded:** 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.

If the allegation is substantiated and the person is dismissed or the person resigns or otherwise ceases to provide his or her services, the Designated Officer should discuss with the Case Manager and the HR Manager whether the academy will decide to make a referral to the DBS for consideration of inclusion on the barred lists; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager, with the support of the HR Manager will consider how best to facilitate that. The Case Manager will also consider how the person's contact with the child(ren) who made the allegation can best be managed if they are still a pupil at the school or college.

Where the Trust/Academy considers pupils have made malicious allegations, they are likely to have breached Academy behaviour policies. The Academy will therefore consider whether to apply an appropriate sanction which could include temporary or permanent exclusion.

Any allegations made by staff which the Trust/Academy considers to be malicious may be deemed to have breached Trust staff policies and could lead to disciplinary action being taken against the member of staff or termination to their services.

## **Record Keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Where an allegation is upheld, a copy of the statement or record should be kept on the section of a pupil's child protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure and therefore no assurances can be given on confidentiality.

## **References**

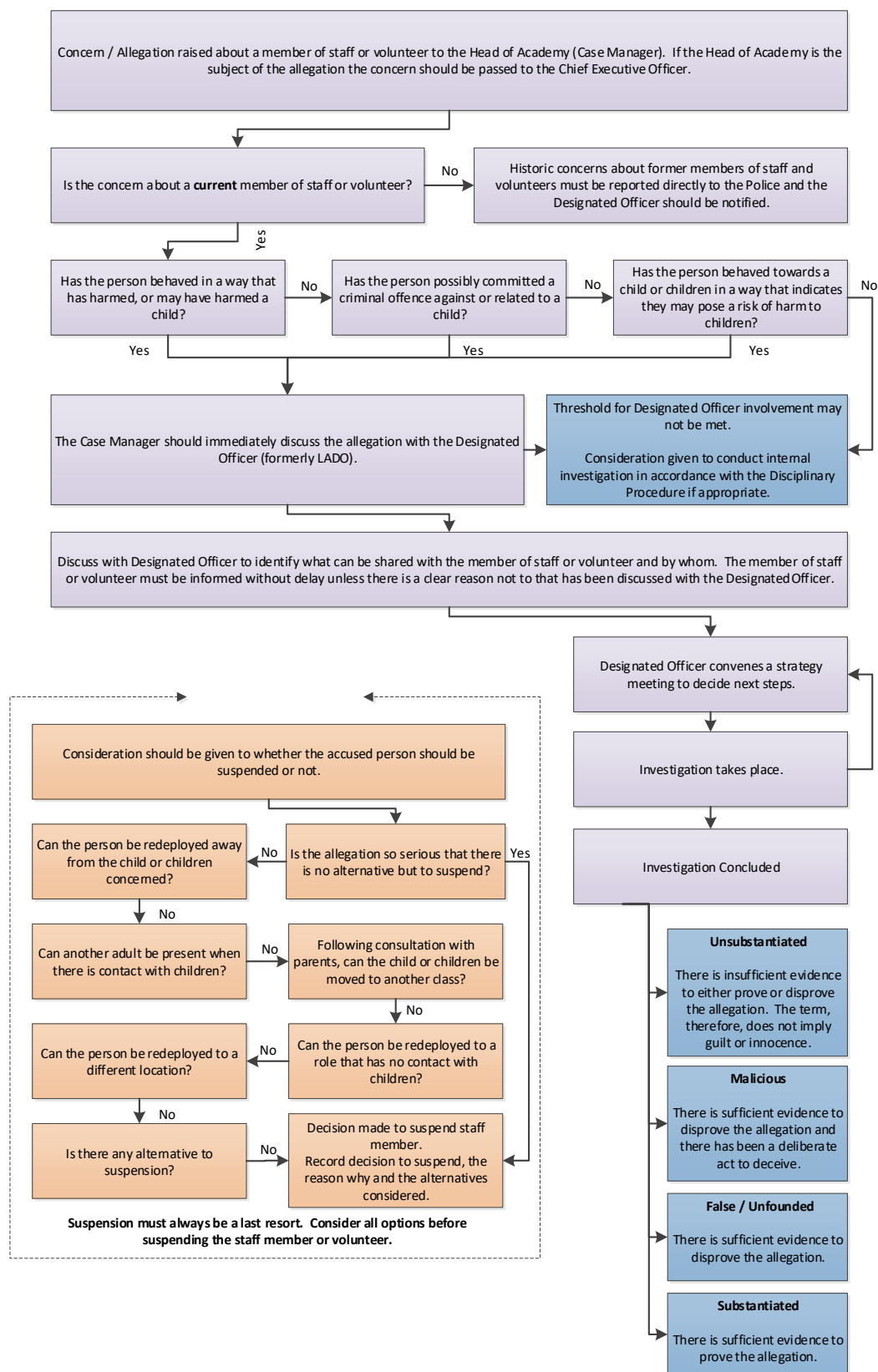
Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

## **Maintaining this Policy and Procedure**

This policy and procedure will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable guidelines.



# Appendix 1 – Summary of Procedure for Managing Allegations against Adults Working within the Trust



## **Appendix 2 – Key Responsibilities of the Designated Officer**

- Management and overview of individual cases from all partner agencies;
- providing advice, information and guidance to Senior Managers;
- monitoring the progress of cases to ensure cases are dealt with within set timescales;
- ensuring a consistent and thorough process for all adults against whom allegations are made;
- responsibility for maintaining information databases in relation to all allegations and producing qualitative and quantitative reports for LSPs and the DfE;
- attendance at or chairing strategy meetings and liaising with Chairs of strategy meetings (if not chairing); and
- contributing to LSP training programmes and awareness raising across Children's workforce.

**Appendix 3 - SGF4 – Concern / Allegation in Relation to an Adult Working within the Trust Initial Notification Form**

<b>Academy Site</b>	
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Details of adult in which concerns have been raised	
<b>Full Name</b>	
<b>Role</b>	

Details of Young Person (if involves more than one pupil please use the pupil continuation sheet)			
<b>Name of Child</b>		<b>D.o.B</b>	
<b>Tutor Group</b>		<b>Year Group</b>	
<b>Gender</b>		<b>Name of Parent / Carer</b>	
<b>Are they aware of the concern?</b>		<b>Contact Number</b>	
<b>Vulnerabilities of Young Person</b>  (e.g. LAC, Child Protection History, SEND etc...)			

Consideration for contacting Designated Officer (If you answer yes to any of the questions below an initial discussion must be had with the Designated Officer)	
Has the person behaved in a way that has harmed, or may have harmed a child?	<input type="checkbox"/>
Has the person possibly committed a criminal offence against or related to a child?	<input type="checkbox"/>
Has the person behaved towards a child or children in a way that indicates they may pose a risk of harm to children?	<input type="checkbox"/>

<b>Source of Information</b>			
<b>Date of Concern / Incident</b>		<b>Time of Concern / Incident</b>	

<b>Case Manager</b>			
<b>Role</b>			
<b>Email Address</b>			
<b>Internal Extension</b>		<b>Mobile</b>	



Designated Officer (formerly LADO) Referral / Discussion <i>(if appropriate)</i>		
Name of Officer		
Date and Time		
Local Authority		
Contact Number		
Email Address		
Agreed Actions		
Who	What	When

Supporting Documents	
Designated Officer Referral	
Continuation Sheet(s)	
Other Statements	
Body Map	
CPOMS Incident ID	

Report Completed By			
Signed			
Date Report Completed		Time Report Completed	

Central Team Use Only		
Received By		
Date		
Case ID		
Notifications to	Chief Executive Officer <input type="checkbox"/>	
	Vice Chief Executive Officer <input type="checkbox"/>	
	HR Manager <input type="checkbox"/>	
	Trust Safeguarding Lead <input type="checkbox"/>	
	<input type="checkbox"/>	
Central Team Actions		
Who	What	When

**SGF4a – Concern / Allegation in Relation to an Adult Working within the Trust  
Initial Notification Form (Pupil Continuation Sheet)**

Academy Site	
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Details of adult in which concerns have been raised	
Full Name	
Role	

Details of Young Person (if involves more than one pupil please use the pupil continuation sheet)			
Name of Child		D.o.B	
Tutor Group		Year Group	
Gender		Name of Parent / Carer	
Are they aware of the concern?		Contact Number	
Vulnerabilities of Young Person (e.g. LAC, Child Protection History, SEND etc...)			

Source of Information			
Date of Concern / Incident		Time of Concern / Incident	

Case Manager			
Role			
Email Address			
Internal Extension		Mobile	

Report Completed By			
Signed			
Date Report Completed		Time Report Completed	