



# Brook Learning Trust

## Allegations of Abuse against Staff Policy

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

### Introduction

This policy is designed to ensure that all staff, students 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 as efficiently as possible.

We believe that having a clear policy in place will help students and staff to feel comfortable that they can voice any concerns they may have about a member of staff or volunteer.

Any allegation made will be reported immediately to the Principal (or to the CEO of Brook Learning Trust (BLT) and the Chair of the Academy Council where the Principal is the subject of concern, or the Chair of Trust Board where the CEO is the subject of concern). For the purposes of this policy the term Principal / CEO is used throughout. All allegations will be taken seriously and investigated immediately. This policy applies only to adults and volunteers currently working for BLT. Allegations concerning previous staff members of BLT will be reported directly to the police by the Principal / CEO.

### 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 suit each case. It aims to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers from false or unfounded allegations. This policy will be used alongside the **Complaints policy, Whistleblowing policy, Staff Disciplinary and Conduct policy** and **Safeguarding policy** which are published on the Trust and academy websites.

This policy will be used in any case where it is suspected or alleged that a member of staff, teacher or a volunteer at the school has:

- Behaved in such a way that may have harmed a child or may have intended to harm a child (Please refer to the **Safeguarding Policy** for what it means to harm a child)
- Acted in contravention of the law in relation to dealings with a child
- Behaved in any way that suggests they may be unsuitable to work with children.

Cases which are not covered by the above will be dealt with under staff disciplinary arrangements.

### Timescale

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

- Minimise the risk to the pupil
- Minimise the impact on the pupil's academic progress
- Ensure a fair and thorough investigation for all parties.

## Procedure

The procedure for managing allegations of abuse against staff follows statutory guidance set out in the [DfE's Keeping Children Safe in Education](#) document.

### 1 Reporting an Allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to the Principal / CEO. The Designated Safeguarding Lead (DSL) should also be notified.

Staff who are concerned about the conduct of a colleague towards a pupil are 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 pupils is paramount and should not hesitate to report immediately any concerns they have.

The Principal / CEO will contact the relevant Local Authority Designated Officer (LADO) concerning allegations that come to the academy or Trust's attention and appear to meet the criteria. All available information concerning the allegation will be shared by the Principal / CEO with the LADO.

The LADO and Principal / CEO will discuss the nature, content and context of the allegation and agree a course of action to decide whether:

- 1.1 The matter will not be taken any further
- 1.2 A strategy discussion should be set up with relevant parties to identify a strategy and action plan in relation to the allegation
- 1.3 The involvement and support of the Police and/or Social Services should be requested immediately
- 1.4 The Principal / CEO should inform the person subject to the allegation about the allegation as soon as possible after consulting the LADO. Where a strategy discussion is required, or police may need to be involved, the Principal / CEO must wait until the LADO has agreed with the agencies what information can be disclosed to the person subject to the allegation and by whom. The Principal / CEO will need to consider advising parents of an incident involving their child. This might be straight away, for example, if the child has been injured whilst in the organisation's care and requires medical treatment, or this may need to wait until initial consultation has taken place with the agencies involved, to determine what can be disclosed and by whom.

Representatives from agencies such as the Health Authority, GP, Social Services and the Police may be invited to assist in the formulation of an action plan.

## 2 **Investigation**

An investigation into the allegations will normally be carried out by the Principal and school staff, by the Trust Executive or by the Police and/or Social Services. Parties to be involved will be agreed at the initial evaluation stage of each case. Where external agencies are involved, full cooperation will be given to aid the investigation.

Internal investigations will follow investigations conducted by external agencies; the latter will take precedence.

### 2.1 Supporting those Involved

#### 2.1.1 Those making the Allegation and their Parents/carers (if relevant)

Parents/carers will be notified if their child makes an allegation or is involved in an allegation against staff if they do not already know. However, if the Police and/or Social Services are involved, they will advise as to what information may or may not be disclosed to the parents/carers. Parents/carers will be made aware of the investigation's progress and, where there is no criminal prosecution, the outcome will be explained to them. This may be a

disciplinary outcome, in which case the deliberations and information used in making a decision will usually be confidential, but parents will be told the outcome.

Social Services and the Police may be involved, depending on the severity of the allegation of abuse, and will provide the school with advice on what type of additional support the child may need.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section [141F of the Education Act 2011](#).

The Trust's Whistleblowing Procedure, which is published on BLT's and individual academy's websites, outlines how staff may raise concerns or allegations against their colleagues in confidence.

### 2.1.2 The Subject of the Allegation of Abuse

BLT has a duty of care to its employees and will aim to minimise the stress resulting from allegations made and any consequent disciplinary process.

The person who is the subject of the allegation of abuse and the subsequent investigation will be informed as soon possible of the fact that an allegation has been made by the Principal / CEO after the CEO of BLT and the Chair of the Academy Council have been informed. The person will then be advised of the next course of action. However, if any of these officials are of the opinion that the Police and/or Social Services should be involved, these agencies will be contacted for advice as to what information may be disclosed to the person against whom the allegation of abuse has been made.

The Principal / CEO will keep the subject of the allegation informed of the progress of the investigation and any other relevant work-related issues. In the case that this person has been suspended, the Principal / CEO will keep him/her informed of any developments regarding the case. If the employee is a member of a trade union or any other professional association, they will be advised to contact that body at the outset of the investigation.

The subject of the allegation may need additional support and the Principal / CEO will consider ways to accommodate this. If the allegation has prompted an investigation by the Police and/or Social Services, they may provide this additional support. All employees involved in allegations of abuse against staff will be made aware of the Trust's confidential Employee Assistance Programme.

## 2.2 Confidentiality

The Principal / CEO 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 which will have minimum impact upon all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation.

Reporting restrictions prohibit the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil. Publication includes any speech, writing, relevant programme or other communication in whatever form.

## 2.3 Suspensions

A member of staff against whom an allegation has been made will not be suspended from duties automatically once an allegation has been made; such action will not be taken without serious consideration. Depending on the nature of the case, it may be possible that alternative arrangements can be made so that the individual can continue working while being removed from contact with the person who has made the allegation.

A suspension from duties may be decided upon if it is deemed that pupil/s and/or other members of staff may be at risk of harm, or if the nature of the case warrants a criminal investigation or where the Trust's Staff Disciplinary Policy is so invoked. In all cases an assessment will take place prior to suspending an employee from work. The Principal / CEO may suspend an employee but will be advised in this course of action by the Police and/or Social Services whether or not a suspension is advisable.

Where a suspension is to be put into effect, the employee will receive confirmation within one working day of the decision to suspend having been taken and will be informed of the reason for the suspension. The employee will be informed of their named contact and be provided with contact details.

## **2.4 Resignations**

If an employee hands in his/her resignation when an allegation of abuse is made against him/her, or during an ensuing investigation, the investigation will continue until an outcome has been reached, with or without his/her cooperation. The person will be given the opportunity to answer the allegation. A referral to the Disclosure and Barring Service (DBS) will be made if the criteria are met.

Settlement agreements will not be brokered in situations which are relevant to procedures arising from an allegation of abuse having been made.

## **2.5 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 employee against whom the allegations were made.

This person will be given a copy of any filed information. The record will be kept at least until the person retires, or for 10 years following the date of the allegation, whichever is the longer and irrespective of the person having left the Trust's employ. The record will be kept securely by the HR Manager with the personnel files of other academy employees.

Keeping detailed records will enable BLT and their academies to:

- 2.5.1 Provide all the necessary information to potential employers should a reference be requested
- 2.5.2 Refer to details of an investigation and its result where DBS checks disclose the existence of an allegation having been made
- 2.5.3 Prevent unnecessary re-investigation in the event that an allegation re-surfaces.

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 founded to be false, unsubstantiated or malicious should also not be included in any reference.

## **2.6 Action on Conclusion of the Case**

The following definitions are used when determining the outcome 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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;

- Unfounded; no evidence to prove the allegation is found. The term may indicate that the person making the allegation misinterpreted or was mistaken about what they saw. Alternatively they may not have been aware of the circumstances.

#### 2.6.1 DBS Referral

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide services, the designated officers should discuss the case and decide whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer the matter to the Teaching Regulation Agency (TRA).

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed or is likely to harm a child; or if a person otherwise poses a risk of harm to a child.

#### 2.6.2 Suspension

If it is decided that the employee may return to school (after a suspension), then provisions will be put in place by the Principal / CEO 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 person who made the allegation is still at the school, the academy will consider what needs to be done to manage the contact between the parties.

#### 2.6.3 Action in the Case of Malicious, Unsubstantiated or False Allegations

Where an allegation proves to be malicious, false or unsubstantiated, the Principal and/or the CEO of BLT may refer the case to Social Services to determine whether the person who made the allegation (where this is a student) is in need of care. If the Principal believes that a criminal offence has been committed by a member of staff or a student, the case will be referred to the Police.

If an allegation is found to be intentionally false and malicious, the Principal and/or the CEO of BLT will decide what the proper sanction will be for the person who made the false allegation. Where this is a student, the Behaviour Policy will be invoked. The Principal has the power to suspend or permanently exclude a pupil who makes a false claim, with reference to the Schools Exclusions Officer and with the support of the Academy Council's Disciplinary Panel. Where this is a member of staff, disciplinary action under the Trust's Disciplinary and Conduct Policy may be taken.

#### 2.6.4 After the case

No matter what the outcome is of an allegation of abuse made against a member of staff, the Principal and/or the CEO of BLT will review the case to see if there are any improvements that can be made to practices or policies that may help to prevent similar cases in the future.

#### **POLICY REVIEW AND RATIFICATION**

This policy is reviewed annually and ratified by the Trust Board in May

This review by BLT Executive      May 2019

Main changes to this iteration:      Update of agency responsible for the regulation of the teaching profession and review against the DfE's Governance Handbook, updated in March 2019

Ratified by BLT Board                      May 2019

Next review                                      May 2020