

Title	Dealing with Allegations of Abuse against Staff
Associated Policies	<ul style="list-style-type: none"> • Behaviour and Discipline (TPO/STU/03) • Complaints (TPO/QA/02) • Disciplinary Procedure (TPO/STA/22) • Professional and Safe Conduct (TPO/STA/10) • Safeguarding and Child Protection (TPO/HS/05) • Student Care and Welfare (TPO/STU/06) • Training and Development (TPO/STA/18) • Whistle Blowing (TPO/STA/19)

REVIEWED: SEPTEMBER 2016

NEXT REVIEW: SEPTEMBER 2019

1. Policy Statement

- 1.1 The Brooke Weston Trust is committed to providing the highest level of care for both its pupils and its staff and will deal with any allegations of abuse against a member of staff, or volunteer thoroughly and efficiently. The Brooke Weston Trust will protect the child and provide support to the person who is the subject of the allegation.
- 1.2 This policy is about managing cases of allegations against an employee or volunteer, or a person with permission to be on the premises or carrying out any activity on behalf of the Academy has:
 - 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;
 - 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.
- 1.3 Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.
- 1.4 All staff, students and parents or carers should be 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.
- 1.5 All allegations will be taken seriously and investigated immediately.
- 1.6 This policy follows the DfE statutory guidance Keeping Children Safe in Education (July 2015) Part Four: allegations of abuse made against teachers and other staff.
- 1.7 This Policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 This policy applies to all volunteers, students, visitors, governors, parents or carers and staff working for The Brooke Weston Trust.

3. Who is responsible for implementing and reviewing this policy?

- 3.1 It is the duty of all staff to accept and understand their responsibilities and to follow the procedure for the investigation of allegations of abuse outlined in this policy. This will ensure that all allegations of abuse are dealt with as quickly and efficiently as possible to minimise the risk to the child, the impact on the child's academic progress and ensure a fair and thorough investigation for all parties.
- 3.2 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.

4. Procedure

- 4.1** In the first instance, where a person has reason to suspect that another member of staff may have abused a child in the Academy or elsewhere they should immediately inform the Principal. In the absence of the Principal, they must report the matter to the Executive Principal or other appropriate senior person. Allegations made against the Principal should be reported to the Chief Executive. Although they may worry they have misunderstood the situation they must remember that the welfare of the child is paramount and must report their concerns immediately. The Brooke Weston Trust's Whistleblowing Policy enables staff to raise concerns or allegations against a colleague in confidence and for a sensitive enquiry to take place.
- 4.2** The person receiving the allegation (Principal/Executive Principal/Chief Executive) must make a written record of the allegation using the informant's words including the date, time and place where the alleged incident took place, what was said and if anyone else was present. This record should be signed by the informant and the person receiving the allegation.
- 4.3** The Principal/Executive Principal/Chief Executive will then contact the Designated Officer for the local authority (formerly known as LADO). The Principal/Executive Principal/Chief Executive will follow the procedures outlined in The Brooke Weston Trust's Disciplinary policy and will assess, in discussion with the Designated Officer, whether it is necessary to involve other agencies. The Principal/Chief Executive will share available information with the Designated Officer about the allegation, the child, and the person against whom the allegation has been made.
- 4.4** The Principal/Executive Principal/Chief Executive will discuss with the Designated Officer if:
- No further actions are needed
 - A strategy discussion should take place; or
 - There should be immediate involvement of the police or social care

5. Outcomes

- 5.1** The initial sharing of information may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it will be recorded by both the Principal/Executive Principal/Chief Executive and the designated officer, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Principal/Executive Principal/Chief Executive will then consider with the designated officer what action should follow both in respect of the individual and those who made the initial allegation. If an allegation is determined to be unsubstantiated or is shown to be deliberately invented or malicious, the Principal/Executive Principal/Chief Executive should consider whether any disciplinary action is appropriate against the pupil who made it.
- 5.2** Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the Principal/Executive Principal/Chief Executive will discuss the next steps with the designated officer, ranging from taking no further action to dismissal or a decision not to use the person's services in future.
- 5.3** Where the possible risk of harm to children posed by an accused person has been evaluated the Principal/Executive Principal/Chief Executive may consider suspending the accused until the case is resolved. Suspension should not be an automatic response and all other options to avoid this step must be considered. Advice from the designated officer may be sought. If suspension is considered necessary, the Brooke Weston Trust's Disciplinary policy will be followed. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.
- 5.4** In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Principal/Executive Principal/Chief Executive will discuss with the designated officer how and by whom

the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of staff.

- 5.5 If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without their cooperation. They will be given full opportunity to answer the allegation.
- 5.6 There may be situations when the Principal/Executive Principal/Chief Executive will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or if there is evidence of a possible criminal offence. Where there is no such evidence, the Principal/Executive Principal/Chief Executive should discuss the allegations with the designated officer in order to help determine whether police involvement is necessary. Should immediate involvement of the police or social care be required, the academy will cooperate with these investigative agencies in carrying out external investigations into the allegations. The academy's own internal investigations may need to be delayed until the external investigation is complete. The academy may, however, at this point consider suspending the accused until the case is resolved if it is believed there is a possible risk of harm to children. The advice of the designated officer will be sought.
- 5.7 Upon confirmation of external investigations, the academy will liaise with the designated officer on whether any further actions, including disciplinary actions, is appropriate and, if so, how to proceed. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings. Where required, upon advice of the designated officer, the academy may make a referral to the DBS where the allegation is substantiated and there is reason to believe the individual has engaged in conduct that has harmed a child or poses a risk of harm to a child.
- 5.8 The Principal/Executive Principal/Chief Executive should inform the accused person about the allegation as soon as possible after consulting the designated officer. It is extremely important that the Principal/Executive Principal/Chief Executive provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Principal/Executive Principal/Chief Executive should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

6. Providing Support

- 6.1 In most circumstances, parents and carers will be notified if their child makes or is involved in an allegation against staff. However, if the police or social services are to be involved, they will be contacted first and will advise the Academy as to what information may or may not be disclosed to the parents.
- 6.2 Parents and carers will be made aware of any progress in the investigation, and the outcome will be explained to them. This may be a criminal prosecution or a disciplinary outcome.
- 6.3 If social services and the police are involved, depending on the severity of the case, the Academy may seek advice on what type of additional support the child may need.
- 6.4 The Brooke Weston Trust owes a duty of care to all its employees and will make its best endeavours to minimise the stress of any allegations made against an employee and the disciplinary process.
- 6.5 In most cases the employee who is the subject of the investigation will be informed as soon as possible after the allegation has been made. The employee will then be advised on what will happen next. If the police or social services are to be involved, they will be contacted before the employee and will advise what information may be disclosed to the employee under investigation.
- 6.6 If the employee is a member of a union or any other professional association, the employee should be advised to contact that body at the outset of the investigation.

- 6.7 The employee will be kept informed of the progress of the case and any work-related issues. The Academy will consider whether any additional support should be given to the employee, including any transitional support if an employee returns to work (after a suspension) and consider what needs to be done to manage the contact between the employee and child.

7. Confidentiality

- 7.1 In a strategy discussion or the initial evaluation of the case, the academy will share all relevant information they have about the person who is the subject or the allegation and about the alleged victim (if appropriate) with the various agencies involved. In all other circumstances, the academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- 7.2 The Academy will make every effort to keep all aspects of an investigation confidential. 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.
- 7.3 The Principal/Executive Principal/Chief Executive should take advice from the designated officer, police and children's social care services to agree the following:
- who needs to know and, importantly, exactly what information can be shared;
 - how to manage speculation, leaks and gossip;
 - what, if any information can be reasonably given to the wider community to reduce speculation; and how to manage press interest if and when it should arise.
- 7.4 Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing (as set out in the Education Act 2002 (141F, paragraph 125). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

8. Record-keeping

- 8.1 Detailed records of all allegations made, investigations and outcomes will 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 Academy 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; and
 - Prevent unnecessary re-investigation in the future if an allegation re-surfaces
- 8.2 Details of any allegation made by a pupil will be kept in the confidential section of their record.
- 8.3 The record will be kept for at least until the person reaches normal retirement age or for 10 years, whichever the longer from the date of the allegation regardless of whether the person leaves The Brooke Weston Trust or not.
- 8.4 Malicious allegations will not be kept on employment records and will not be referred to in employer references. The Brooke Weston Trust's Behaviour Policy sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against The Brooke Weston Trust staff.

9. Policy Review

- 9.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.