



Allegations of Abuse
Against Staff
Policy
2020-21

(STATUTORY)

Amendment Sheet

Version		v2.0 Approved	
Date		December 2020	
Approved by Board of Trustees			
Version	Date	Description	Revision Author
2.0	December 2020	Updated in line with KCSiE	CFO/Browne Jacobson HR
1.0	November 2019	School Bus model policy used	CEO/School Bus

1. Introduction

- 1.1 The Samara Trust (the Trust) takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any allegation made against a member of staff or volunteer is managed quickly and effectively.
- 1.2 This policy sets out how the Trust will manage allegations made against a member of staff or volunteer at our schools, including agency staff. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2020.
- 1.3 This policy will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2020 requires that it is followed in any case where it is suspected or alleged that a member of staff, including agency staff, or a volunteer has:
 - behaved in a way that has harmed a child or may have harmed a child (see our child protection and safeguarding policy <https://www.thesamaratrust.co.uk> for what we mean by 'harm');
 - 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 may 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
- 1.4 This policy will be used alongside our complaints policy and child protection and safeguarding policy, both of which can be accessed here <https://www.thesamaratrust.co.uk>

2. Reporting an allegation

- 2.1 The safety and welfare of our pupils is of paramount importance and so all staff must report their allegations or concerns immediately.
- 2.2 Allegations made against a member of staff, including agency staff, or a volunteer should be reported to the Principal. Allegations involving the Principal should be reported to the Chair of Governors. Allegations involving the Trust central team should be report to the Chair of Trustees. The Principal or Chair of Governors/Trustees (as appropriate) will then

contact the designated officer at the local authority and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The academy/Trust Designated Safeguarding Lead may also be involved in this discussion. This discussion may include that:

- no further action is required; or
- more information is required to determine a course of action; or
- a strategy discussion should take place; or
- police or social care should be involved.

2.3 The academy will share relevant information with the designated officer about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the academy will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.

3. Investigating an allegation

3.1 An investigation into the allegation should normally be undertaken by a senior member of staff at our Trust. Where no suitable staff are available or the nature or complexity of the allegation requires it, the Trust may appoint an independent investigator.

3.2 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2020 states that the following definitions should be used when determining the outcome 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:** 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

- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made
- 3.3 In no circumstances would the Trust cease to use a member of agency staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome.

4. Supporting those involved

4.1 Parents/carers of the child(ren) involved

4.1.1 Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, the academy will not tell the parents or carers until it has been agreed with those agencies what information can be shared.

4.1.2 The academy will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution the academy will tell parents or carers the outcome of the investigation. The deliberations of any 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 will usually be told the outcome **in confidence**.

4.2 The member of staff or volunteer

4.2.1 The Trust has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.

4.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the designated officer. The person will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances the academy will work with children's social care and the police to agree what information can be disclosed and when.

4.2.3 The Principal or Chair of Governors/Trustees (as appropriate) will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other school related matters. The Principal or Chair of Governors/Trustees (as appropriate) will also consider what other support may be appropriate for the individual. The academy will advise the individual to contact their trade union representative or a colleague for support.

They may also be given access to support services provided by the Trust.

- 4.2.4 Where an allegation is made against a member of agency staff, the employment agency should provide an additional support to that member of agency staff.

5. Suspension

- 5.1 Suspension is not an automatic response to an allegation being made. The academy will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working.
- 5.2 The Trust makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the academy will listen to their views regarding suspension.
- 5.3 The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the Trust immediately will cease to use the services of that member of agency staff.
- 5.4 Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension.
- 5.5 After the suspension, if it is decided that the employee can return to the academy, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.

6. Resignation

If the individual resigns or the agency staff member or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will be given the opportunity to engage with the investigation.

7. Action on conclusion of the case

- 7.1 If the allegation is substantiated and:

7.1.1 the employee is dismissed or resigns; or

7.1.2 we cease to use the agency staff member's services as a result of the allegation; or

7.1.3 we cease to use the volunteer's services as a result of the allegation;

the academy will consider whether a referral to the DBS and/or to the TRA is required.

7.2 Where an allegation is found to be false, the academy may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made.

7.3 The academy's behaviour policy sets out the action that may be taken against pupils who are found to have made malicious allegations against staff or volunteers.

7.4 Where an allegation is made against a member of agency staff the outcome of the investigation will be shared with the supply agency and the LADO.

8. Post incident review

It is good safeguarding practice for schools to review incidents upon their conclusion so they can learn from them and continue to improve safeguarding at the academy. Where allegations are made against staff, including agency staff or volunteers, the academy may carry out a review at the conclusion of the case.

9. Timescales

Investigations into allegations against staff, including agency staff or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible.

10. Record keeping

Allegations found to be malicious will be removed from the employment record of the individual. For all other allegations, a clear and comprehensive summary of the allegation, how it was followed up and resolved and a note of actions taken and decisions reached will be retained on the employment file. A copy will also be provided to the individual.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

11. Confidentiality

- 11.1 The academy will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.
- 11.2 The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.