

The Olympus Academy Trust Allegations of Abuse Against Staff Policy

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Amendment History

Version	Amendment Date	Author	Amendment Summary
v2.1	17 th January 2020	Head of HR	<ul style="list-style-type: none"> • New Trust document version system implemented. • Change from OAT to Olympus Academy Trust. • Update on Keeping Children Safe in Education now September 2019 not 2016 (para 1.2).
v2.2	31 st January 2020	Head of HR	<ul style="list-style-type: none"> • Reference made to the Children's Barred List (List 99) (appendix 1, para 8.2). • Approved by the RNC.
v3.0	11 th February 2020	Head of HR	<ul style="list-style-type: none"> • Ratified by the Board. • Policy issued.

v3.1	11 th November 2020	Head of HR	<ul style="list-style-type: none"> Update on Keeping Children Safe in Education now September 2020 not Sept 2019. Includes 4th Bullet point which relates to 'Transfer of Risk' and includes supply staff procedures. Policy updated to reflect this. Appendix 1, Section 9.3 - DBS and List 99 Referrals updated to include supply staff and volunteers if required.
v3.1	18 th November 2020		<ul style="list-style-type: none"> Approved by the RNC.
v3.1	15 th December 2020		<ul style="list-style-type: none"> Approved by The Board of Trustees.
v4.0	15 th December 2020		<ul style="list-style-type: none"> Policy Issued.

1. General Principles

- 1.1 The Olympus Academy Trust is committed to providing the highest level of care for both its students and its staff. It is extremely important that any allegations of abuse against a teacher, any other member of staff, supply staff or volunteer within our Trust is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person, who is the subject of the allegation.
- 1.2 Our policy is in line with statutory guidance from the Department of Education in Part 4 of Keeping Children Safe in Education:
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- 1.3 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.
- 1.4 This policy only applies to adults currently working at the Olympus Academy Trust (including supply staff). Allegations concerning someone who is no longer at the Trust will be reported directly to the police.
- 1.5 All allegations will be taken seriously and investigated immediately.

2. Purpose of the Policy

- 2.1 This policy will be used in any case where it is suspected or alleged that a member of staff, supply staff or a volunteer within the Trust 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; 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.
- 2.2 Cases which are not covered by the above will be dealt with under the staff disciplinary arrangements.
- 2.3 It is imperative that allegations against staff are dealt with as efficiently as possible to minimise the risk to the child, minimise the impact on the child's academic progress and ensure a fair and thorough investigation for all parties. To enable this to happen, all staff, parents, supply staff and students should be aware of the contents of this policy and the procedures set out in the appendix.

- 2.4 This policy aims to strike a balance between the need to protect children from abuse and the need to protect staff, supply staff and volunteers from false or unfounded allegations. Staff who are concerned about the conduct of a colleague towards a student are undoubtedly 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 child is paramount and must report their concerns immediately.
- 2.5 This policy must be followed when dealing with allegations, but may be adapted to each case. This policy will be used alongside the Trust's Complaints policy and Safeguarding and Child Protection policy.

3. Confidentiality

- 3.1 The School 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 with minimum impact for all parties.
- 3.2 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 or summonsed.
- 3.3 The Education Act 2011 introduced reporting restrictions preventing 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 from the same School or college (where that identification would identify the teacher as the subject of the allegation).
- 3.4 The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).
- 3.5 No information will be given to the media.

4. Monitoring and Review

- 4.1 The Trust will review this policy every two years as a minimum and assess its implementation and effectiveness.
- 4.2 In addition to this cycle, the policy and related processes will be reviewed in each case an allegation is made to see if there are any improvements that can be made in its practice that may help to prevent similar cases in the future.

1. Procedure for Managing Allegations of Abuse

- 1.1 The procedure for managing allegations of abuse against teachers and other staff follows statutory guidance set out in Part 4 of the Department for Education's *'Keeping Children Safe in Education (September 2020)'*.

2. Procedure for Managing Allegations Against Staff in their Personal Lives ie Transfer of Risk

- 2.1 If an allegation arises about a member of staff outside of their work with children, then this may present a risk to children for whom the member of staff is responsible. Therefore a LADO referral must be considered and the same principals and procedures will apply as outlined in this policy.

Examples of Transfer of Risk:

- member of staff's own children are the subject of a Child Protection Plan or the subject of other safeguarding concerns
 - alcohol or drug misuse issues
 - perpetrator of domestic abuse
 - living with someone who has a criminal conviction that falls within the Disqualification by Association guidance if applicable.
- 2.2 If the member of staff lives in a different authority to that which covers their workplace, liaison should take place between the relevant agencies in both areas.
- 2.3 The member of staff should be given the opportunity to inform their employer in advance of statutory agencies making contact within a tight agreed timescale. Any decision not to inform the member of staff should only take place if this is likely to undermine the investigation or place children at further risk. Decisions and reasoning must be clearly recorded with legal advice being sought when needed.

3. Reporting an Allegation

- 3.1 For staff working within any of the schools across the Trust, allegations will be reported to the Headteacher or the Designated Safeguarding Lead immediately or, where the Headteacher is the subject of concern, to the Executive Headteacher, CEO or Olympus Academy Trust Safeguarding Lead¹.

¹ Susie Beresford Wylie based at BSCS (Ext: 8814)

- 3.2 For staff working with the Trust's central operations functions, allegations will be reported to the line manager or the Olympus Academy Trust Safeguarding Lead immediately or, where the line manager is the subject of concern, to a member of the Trust's Senior Leadership team, CEO or Olympus Academy Trust Safeguarding Lead.
- 3.3 Whilst the Trust are not the employer of supply staff any allegation should be reported as in points 2.1 and 2.2 above. When using an agency the Trust will inform them of its processes for managing allegations by providing them with up to date copy of this policy.
- 3.4 These key staff have overall accountability for ensuring any allegation reported to them is followed up immediately and investigated in full. This includes liaison with the Local Authority Designated Officer (LADO)².
- 3.5 Key Senior Leaders within the Trust will be informed of any allegations that are made but will not be actively involved in the process, unless necessary³. To ensure any allegation is taken seriously and managed promptly and efficiently with due consideration to confidentiality, the involvement of other members of a School's leadership team should be by exception and only when deemed absolutely necessary by the Headteacher.
- 3.6 In any case where it is suspected or alleged that a member of staff, supply staff or a volunteer within the Trust 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; 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;
- 3.7 The Local Authority Designated Officer (LADO) should be immediately contacted for further advice and so they can consult police and children's social care services as appropriate. The decision to refer the allegation is not a judgement as to whether the concerns are founded or not.
- 3.8 The LADO will discuss the nature, content and context of the allegation and agree a course of action to decide whether:
- no further actions are needed;
 - a strategy discussion should take place;
 - there should be immediate involvement of the police or social care.
- 3.9 The Trust will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made; the LADO will consider whether a police investigation or a strategy discussion is needed. Other agencies may be invited into the discussion and could include representatives from Health, Social Care or Police.

4. Investigation

² South Gloucestershire LADO – Tina Wilson (Tel: 01454 868508)

³ The Head of HR, CEO and OLYMPUS ACADEMY TRUST Safeguarding Lead must be informed of any allegations that are made.

- 4.1 An investigation into the allegations is normally carried out by the Trust and/or the Children's Social Care. This also applies to supply staff as Agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor will they have all the relevant information required by the LADO as part of the referral process. The Agency should however be fully involved and co-operate in any enquiries from the LADO, police and/or Children's Social Care. This will be agreed at the initial evaluation stage. Where the Trust is not conducting the safeguarding investigation it will cooperate with investigative agencies. The Trust recognises the impact an investigation may have on any member(s) of staff involved in the process. Therefore any investigation will be conducted in a timely and efficient manner but not to the detriment of a thorough and proper exploration of the allegation.
- 4.2 Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.
- 4.3 Any allegation against a member of staff (including supply staff or volunteer) that does not, in the judgement of the Trust, satisfy the criteria outlined earlier, should be investigated and dealt with through the Trust's internal disciplinary procedures.

5. Supporting Those Involved

- 5.1 Parents and carers will be notified by the Trust if their child makes, or is involved in, an allegation against staff if they do not already know. However, if the Police or Social Care are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.
- 5.2 Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.
- 5.3 Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers⁴. Social Care and the Police may be involved, depending on the severity of the case, and will provide the School with advice on what type of additional support the child may need.
- 5.4 The Trust's Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and allows for a sensitive enquiry to take place.
- 5.5 The Olympus Academy Trust has a duty of care to its employees and will do everything to minimise the stress of any allegations and the subsequent investigation and process. It is essential that any allegation of abuse made against a teacher or other member of staff, supply staff or volunteer across the Trust is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- 5.6 The person who is the subject of the investigation will be informed by the Trust as soon as the allegation has been made. The employee will then be advised on what the next course of action will be. However, if the Police or Social Services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

⁴ Section 141F of the Education Act 2002

- 5.7 The Trust will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.
- 5.8 The employee may need additional support and the Trust should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

6. **Suspensions**

- 6.1 The Trust will not suspend a member of staff without serious consideration. The Trust will not suspend a member of staff automatically when an allegation has been made. Typically, suspension will only be considered in cases where there is cause to suspect a child or other children at the School are at risk of harm, or if the nature of the case warrants a criminal investigation, or where the case is so serious that it might be grounds for dismissal.
- 6.2 Whilst the Trust is not the employer of supply staff, it will ensure allegations are dealt with properly. The School/Trust will not cease to use the member of supply staff due to safeguarding concerns, without finding out the facts and liaising with LADO to determine a suitable outcome. The Trust will discuss with the relevant Supply Agency whether it can redeploy their staff member to another part of the school, whilst they carry out their investigation as in point 5.3 below. If redeployment is not possible, the School/Trust may ask the agency to provide alternative cover until the investigation is concluded.
- 6.3 Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from contact with the child to whom the allegation relates. This may take the following forms:
- redeployment within the School/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 to alternative work in the School/Trust so the individual does not have unsupervised access to children;
 - moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted;
 - temporarily redeploying the member of staff to another role in a different location, for example to an alternative School or work location across the Trust.
- 6.4 The decision on whether or not a suspension is necessary can only be taken by the following key staff:
- Headteacher/line manager
 - Executive Headteacher
 - CEO
 - A member of the Trust's Senior Leadership team

and this will normally be following a discussion with the LADO and in line with any advice provided by the Police and or Social Care.

- 6.5 Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis with consideration being given to any potential risks.
- 6.6 Any suspension will be a neutral act and will in no way imply guilt or otherwise. However, the professional reputational damage that can arise from suspension where an allegation is later found to be unsubstantiated, unfounded or malicious must be considered. It may be that the result that would be achieved by suspension could be obtained by alternative arrangements, for example, redeployment. Where it is deemed that a suspension is appropriate, the employee will be informed of the reason for the suspension, will continue to receive full pay for the duration of the suspension and receive written confirmation within one working day. The employee should be informed at the point of their suspension who their named contact is within the organisation and be provided with their contact details.

7. Resignations

- 7.1 If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.
- 7.2 If an agency supply staff member does not attend work following an allegation or during an investigation, the LADO should be contacted again, the investigation continued until an outcome has been reached, with or without the supply staff's cooperation and the agency should be kept fully informed.
- 7.3 It is not appropriate to use compromise agreements in situations which are relevant to these procedures.

8. Action on Conclusion of the Case

- 8.1 The following definitions are used when determining the outcome of allegation investigations:
- **Substantiated:** there is sufficient evidence to prove the allegation;
 - **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;
 - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- 8.2 At the conclusion of any investigation it will be for the Trust to decide as to whether disciplinary action should follow. This decision will be taken with consideration to any advice provided by the LADO. In cases where disciplinary action is deemed appropriate then the Trust's internal disciplinary procedures will be followed. In cases where disciplinary action is not deemed appropriate, the Trust will ensure the subject of the allegation is informed as such immediately and necessary steps are taken to close the matter. Support will be offered to the employee to facilitate their return to normal working practices, if required.

8.3 Where an employee has been suspended, the Trust will ensure provisions are put in place to ensure a smooth return to work and as smooth a transition as possible. This will be managed on a case by case basis, but may involve a phased return or the use of another member of staff as a support system in the short term. If the child to whom the allegation related is still at the School, the Trust will consider what needs to be done to manage the contact between employee and child.

9. **DBS and List 99 Referrals**

9.1 The Trust has a legal duty to refer to the DBS **anyone** who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

9.2 The Trust will be advised by either the LADO or the Police and/or Social Services on whether a referral for consideration of the Children's Barred List (List 99) action is required or necessary. Referrals should be made as soon as possible after the resignation or removal of the individual. The DBS will consider whether to bar the person.

9.3 Please note that supply staff and volunteers should also be included in 8.1 and 8.2 above with Supply Agencies being informed if their staff have been referred.

10. **Record Keeping**

10.1 Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the employee who has been under investigation. The employee will also be entitled to be given a copy of the same information.

This will enable the School to:

- prevent unnecessary re-investigation in the future if an allegation re-surfaces;
- 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;
- provide all necessary information, as legally required, for future Schools if they require a reference. Allegations that are proven to be false, unsubstantiated or malicious will not be used in employee 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.

The record will be kept (including for employees who leave the Trust) for at least 10 years, or until the person reaches normal retirement age, whichever is longer.

11. **Malicious or Unsubstantiated Allegations**

11.1 For any allegations that are made by an adult and that are subsequently found to be unsubstantiated or malicious, the Trust will determine whether to take further action under the Trust's disciplinary procedure. In addition, this information may be handed over to the police who may take further action against that person.

- 11.2 If an allegation made by a pupil is determined to be unsubstantiated or malicious, the LADO should refer the matter to the Children's Social Care Services to determine whether the child concerned is in need of services, or may have been abused by someone else. The Trust will decide what the proper sanction will be for the pupil who made the false allegation, which may include suspension or expulsion⁵ or referring the case to the police if the School thinks a criminal offence has been committed.
- 11.3 Where an allegation is proven to be false, the Trust may refer to Social Services to determine whether the child is in need of special care, or to help to understand if they are being abused elsewhere.

12. **Review and Continuous Improvement**

- 12.1 No matter what the outcome is of an allegation of abuse against staff, the Trust will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

⁵ The Headteacher at each school within the Trust has the authority to exclude a pupil in line with the School's Behaviour policy