



Windsor Academy Trust

Allegations of abuse against staff

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| Responsible Committee: | Windsor Academy Trust, Board of Directors |
| Date revised by Board of Directors: | November 2017 |
| Next review date: | November 2019 |

1. Principles

- 1.1. Windsor Academy Trust (WAT) takes its responsibility of care for its students and staff seriously. WAT recognises that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children and at the same time deals fairly with the person who is the subject of the allegation.
- 1.2. The DfE Statutory Guidance for managing cases of allegations is set out in “Keeping Children Safe in Education Part four: Allegations of abuse made against teachers and other staff” and provides the framework for this policy.
- 1.3. This policy applies to all employees at WAT. For the purposes of the policy a ‘staff member’ is a person whose work brings them into contact with children in an education setting. It applies to all staff, paid or working in a voluntary capacity (including supply teachers) on or off WAT premises and sites or carrying out any activity on behalf of WAT.
- 1.4. Headteacher refers to all or any of the Headteachers, Head of Schools or Executive Headteacher at all or any of the academies. Academies means each or all the schools within WAT.

2. Aims

- 2.1. This policy sets out the procedure to be taken in respect of all cases where it is alleged that a member of staff 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 to children.

This will include allegations involving any type of abuse or neglect, including inappropriate relationships with students, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

- 2.2. Where required, child/adult protection and criminal investigation procedures will take precedence over this policy. In exceptional circumstances, it may be possible for a statutory investigation and a WAT internal investigation to run concurrently.
- 2.3. Any investigation undertaken as part of this policy may be used in other proceedings under other WAT policies as deemed appropriate.

3. Responsibilities

- 3.1. Trust Board will:
 - monitor and review this policy. They will ensure safeguarding and child protection training is available to all staff and delegate to the CEO and Headteacher the necessary discretion to manage cases of allegations against staff.
 - ensure that all allegations are dealt with in a fair and consistent way that provides effective protection and support for the child and the member of staff who is subject of the allegation. The Chair of the Trust Board will manage any allegations against the

Chief Executive Officer (CEO) and assume the role of case manager. The CEO will manage any allegations against the Headteacher and assume the role of case manager.

3.2. Headteacher:

- will appoint an appropriate senior member of staff to the role of Designated Safeguarding Lead
- is responsible for the immediate notification of the allegation to the Designated Officer (LADO) and will assume the role of the 'case manager'.
- will ensure that the reporting procedure for raising concerns and the contact details of key personnel are clearly communicated to staff and displayed within the academy

3.3. Designated Safeguarding Lead:

- is responsible for raising awareness through providing advice and support to staff on child welfare and protection issues. They are to ensure that all staff and students are aware of the procedures for reporting concerns and are aware and understand the contents of this policy.
- will refer cases of suspected abuse to the local authority children's social care, where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service (DBS) or where a crime may have been committed to the Police.
- will work with the 'case manager', LADO and take part in strategy discussions and inter agency meetings as required.
- will have a responsibility to be familiar with the Statutory Guidance in its entirety.

3.4 Staff:

- In accordance with the DfE Statutory Guidance, all staff should read at least Part one of keeping children safe in education, which contains Safeguarding information for all staff.
- All members of the senior management team have a responsibility to be familiar with the Statutory Guidance in its entirety.

4. Initial allegation

- 4.1. Everyone who comes into contact with children and their families has a role to play in safeguarding children. If anyone has a concern that a person (as described in paragraph 2.1) may have behaved inappropriately or they receive information that may constitute an allegation they must report the facts to the case manager, (usually the Headteacher) as soon as possible. They should not withhold information however trivial it may seem.
- 4.2. Should the allegation be made against the Headteacher, this should be brought to the attention of the CEO immediately in their role as case manager.
- 4.3. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation must report it to the case manager or, if that is not possible they must pass details of the allegation to the case manager immediately themselves.
- 4.4. In the absence of the case manager, staff must report the matter to the most senior person available who will carry out the case manager's duties in his/her absence. They should make a signed and dated written record of their concerns, observations or the information they have received and give it to the case manager straight away.

4.5. They should maintain strict confidentiality.

4.6. STAFF MUST NOT:

- Attempt to deal with the situation themselves.
- Make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents.
- Keep the information to themselves or promise confidentiality to staff/pupils involved.
- Take any action that might undermine any investigation or disciplinary procedure such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents/carers.

4.7. Allegations which arise from external agencies (i.e. the Police) via the LADO will follow the procedure detailed in this policy.

5. Initial consideration

5.1. The case manager will immediately discuss the allegation with the LADO. The purpose of the initial discussion is to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information.

5.2. The initial discussion and information sharing will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is deemed to be false, no further action will be taken, the decision and justification for it will be recorded by the case manager.. Consideration will be given as to any further action to be taken by the Headteacher i.e. informal action/advice, re-training.

5.3. If the allegation is not patently false, the case manager will liaise with the LADO to agree a suitable course of action. A strategy discussion/s with the police and/or children's social services may be convened. These meetings will be attended by the case manager and the WAT Head of HR.

6. Action following initial consideration

6.1. Where the initial consideration decides that an investigation by the police or children's social services is unnecessary, it will be for the case manager to determine a suitable course of action. In such cases, if the nature of the allegation does not require formal disciplinary action, the case manager should institute appropriate action within three working days i.e. informal action/advice, re-training of this decision.

6.2. Where the initial consideration determines that the allegations require investigation by the police or children's social services, the case manager will liaise with the LADO and these agencies to understand their requirements and agree how the investigation will be managed in relation to any internal investigation required.

6.3. Where further internal investigation is required, the case manager will initiate an investigation in accordance with the Disciplinary Policy. If after investigation, formal disciplinary action is required, it will be taken in accordance with the Disciplinary Policy.

7. Suspension

- 7.1. Suspension will not be an automatic response to the reporting of allegations. The case manager will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on the assessment of risk the following alternatives will be considered:
- Redeployment within the academy or across the Trust to remove direct contact with the child(ren) concerned;
 - Providing a work colleague to be present when the member of staff has contact with children;
 - Redeployment to alternative work within the academy or across the Trust which does not require unsupervised access to children
- 7.2. Suspension will only be considered where there is cause to suspect a child or other children at the academy or Trust is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal.
- 7.3. If immediate suspension is considered necessary, the rationale and justification will be recorded by the case manager. The member of staff will be informed at the point of their suspension of their named point of contact within WAT and be provided with their contact details. Written confirmation of the suspension will be provided to the member of staff as soon as practicably possible, but no later than five school days.

8. Supporting those involved

8.1. Staff

The Trust has a duty of care to our employees and will endeavour to manage and minimise the stress inherent in the allegations process.

Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the LADO, children's social care services or the police.

The individual will be advised to contact their trade union representative, if they have one, or a work colleague for support.

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

8.2. Parents/carers

Parents or carers of the child(ren) involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care 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 to the parents or carers.

Parents or carers should also be kept informed about the progress of the investigation, 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, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against staff whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

9. Confidentiality

- 9.1. WAT will make every effort to ensure that confidentiality is maintained and to guard any unwanted publicity throughout the process. Any enquires from the press should be directed to the CEO.

10. Keeping records

- 10.1. The case manager will keep a clear and comprehensive summary of the allegation, the process followed and the outcome. All notes of action taken and decisions reached will be retained on the staff member's personal file. Records will be retained until the member of staff has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is the shortest period.

11. Resignations

- 11.1. A member of staff who tenders their resignation, or ceases to provide their services, will not prevent the Trust following up an allegation in accordance with these procedures.