



Allegations of Abuse Made Against Adults Policy

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Statement of Intent

CIT takes its responsibility of care for pupils seriously. We will thoroughly and swiftly investigate allegations of abuse against staff and volunteers – this will be done applying common sense and judgement, in a fair way that does not prejudice either the pupil or the member of staff/volunteer, and with effective protection for the pupil and support for the person subject to the allegation. Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

This policy will apply to concerns or allegations against those working in or on behalf of the Trust in a paid or unpaid capacity, including supply teachers, volunteers and contractors, irrelevant of whether the alleged abuse takes place on Trust premises.

1. Legal Framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- DfE 'Keeping Children Safe in Education'
- DfE 'Working Together to Safeguard Children'

1.2. This policy operates in conjunction with the following policies:

- School Child Protection and Safeguarding Policy
- School Behaviour Policy
- Disciplinary Policy
- Whistleblowing Policy
- Grievance Policy
- Staff Code of Conduct
- School Positive Intervention Policies
- Low Level Concerns Policy
- Trust-wide Safeguarding Statement
- Trust-wide Behaviour Statement.

2. Scope

2.1. "Child" refers to anyone under the age of 18.

2.2. This policy covers the process for dealing with allegations that meet the harms threshold, which are allegations where it is alleged that anyone working in the school, including supply teachers, volunteers and contractors, 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 they 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, including transferable risk, i.e. behaviour that

may have happened outside of school that might make the individual unsuitable to work with children.

- 2.3. Procedures for managing allegations that do not meet the harms threshold (also known as 'low-level concerns') are not covered in this policy. The Trust's Low Level Concerns Policy outlines the procedures for dealing with allegations that do not meet the harms threshold.
- 2.4. Low-level concerns will not be viewed as insignificant, but as any concerns that do not meet the harms threshold set out above. A low-level concern is any concern that an adult working in or on behalf of the Trust may have acted in a way that:
 - Is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work.
 - Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LA Designated Officer (LADO).
- 2.5. If the Trust has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO's advice will be consulted.
- 2.6. For the purpose of this policy, "allegation" refers to allegations that meet the harms threshold.

3. Definitions

- 3.1. **Significant harm:** This is the threshold where compulsory Social Care intervention must take place – this was introduced by the Children Act 1989. Harm includes not only ill-treatment (including sexual abuse and non-physical forms of ill treatment), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development.
- 3.2. **Abuse:** Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children, and abuse can be either physical, sexual, emotional harm, or a form of neglect. The definitions of different types of abuse are below:
 - 3.2.1. **Physical abuse:** A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces, illness in a child.
 - 3.2.2. **Emotional abuse:** The persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless, unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental

capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

3.2.3. **Sexual abuse:** Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, and rubbing and touching the outside of clothing. They may also include non-contact activities, such as involving children in looking at, or the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

3.2.4. **Neglect:** The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

3.3. **Position of trust:** Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees/volunteers have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees and volunteers should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

3.4. **Publication:** 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.

4. Implementation, Roles and Responsibilities

4.1. The People Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The People Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance to the Director of HR.

4.2. Managers have a specific responsibility to ensure the fair application of this policy

and all members of staff and volunteers are responsible for supporting colleagues and ensuring its success.

- 4.3. The Trust recognises that, as an employer, it has a duty of care to its staff. The Trust will ensure it provides effective support for anyone facing an allegation and will provide the individual with a named contact if they are suspended.
- 4.4. All staff and volunteers are aware of their obligation to report allegations and raise concerns about the attitudes and actions of colleagues as appropriate. This may be done under this policy or the accompanying Low-Level Concerns Policy. This is made explicit in their safeguarding training which is delivered annually and in the Staff Code of Conduct.
- 4.5. The Trust recognises that students cannot be expected to raise concerns in an environment where staff or volunteers fail to do so.
- 4.6. Students are made aware of unacceptable behaviours in school through the Personal, Social, Health and Economic Education and the curriculum and know who they need to report this to.

5. Aims

- 5.1. To ensure that any allegation made against a member of staff or volunteer in the Trust is dealt with fairly, quickly and consistently, in a way that provides effective protection for children and at the same time supports the person who is the subject of the allegation.
- 5.2. This guidance outlines the initial response to an allegation of abuse against a member of staff or volunteer in the Trust.

6. Dealing with Allegations of Abuse

- 6.1. Any allegations must be reported to the Headteacher of the individual school immediately or the school's Designated Safeguarding Lead (DSL), who will then inform the Headteacher. The DSL/Headteacher will discuss the allegation with the Local Authority Designated Officer (LADO) and the Trust Designated Safeguarding Lead.
- 6.2. If an allegation is against the Headteacher, it should be reported to the relevant Director of Education who will discuss the allegation with the Trust Designated Safeguarding Lead, School DSL, Director of HR and LADO.
- 6.3. The Headteacher/DSL/Director of Education will also inform the Chair of the Local School Board (LSB) that an allegation has been made against a member of staff which is now being investigated.
- 6.4. If the allegation is against the CEO or a member of the Executive Leadership Team, the Chair of the Trust Board will also be informed.
- 6.5. Allegations will be dealt with quickly in a fair and consistent way that provides effective protection for the student and supports the person who is the subject of the allegation.

- 6.6. Where the allegation is extremely serious, e.g. where a pupil's life may be in danger, immediate intervention by the Police or Children's Social Care services will be required.
- 6.7. Every effort must be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated.
- 6.8. In response to an allegation, the suspension of the member of staff is not the default option. Each allegation will be considered individually. A member of staff or volunteer will only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the Trust and the member of staff or volunteer notified in writing of the reasons.
- 6.9. Students found to have made malicious allegations are likely to have breached Trust behaviour policies. Individual schools will consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion. A referral to the Police may also be considered if there may be grounds for criminal proceedings.
- 6.10. If a member of staff is dismissed following an allegation, or if an allegation is substantiated, but the member of staff is not dismissed, the Director of HR and the LADO will be informed of this detail.

7. Physical Intervention

- 7.1. Staff must only ever use physical intervention as a last resort. At all times, any physical intervention used must be the minimal force necessary to prevent injury to another person/or to the individual themselves.
- 7.2. The Trust understands that physical intervention of a nature which causes injury or distress to a child may need to be considered under child protection guidelines, for example, whether a criminal offence has been committed.
- 7.3. Any physical intervention should follow the guidance set out in the school physical intervention policy and DfE Guidance: Use of reasonable force.

8. Supply Staff

- 8.1. In some cases, the Trust will need to consider an allegation against an individual not directly employed by the Trust, where the Trust's disciplinary procedures do not fully apply, e.g. supply staff provided by an employment agency or business. The Trust will work with the agency to ensure allegations are dealt with properly.
- 8.2. Under no circumstances will the Trust decide to cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome.
- 8.3. The Headteacher will discuss with the agency whether it is appropriate to suspend the member of supply staff, or redeploy them to another part of the school, whilst an investigation is conducted.

- 8.4. The Trust will take the lead on investigations, as supply staff, while not directly employed by the Trust, are under the supervision, direction and control of the Trust when working in a Trust school. Agencies will be fully involved in any investigation and will be expected to fully cooperate with enquiries from the LADO, Police and/or Children's Services.
- 8.5. The member of supply staff subject to an allegation will be advised to contact their trade union representative, if they have one, or colleague for support.
- 8.6. An allegations management meeting will be arranged with the agency which will address issues, such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the Trust during the investigation.
- 8.7. An agency used by the Trust will be informed of the Trust's process for managing allegations. This will include inviting the agency's HR manager or equivalent to meetings and keeping them up-to-date with information about the Trust's policies.

Procedures

9. Reporting Allegations

- 9.1. All allegations must be reported to the Headteacher of the individual school or the school DSL. On all occasions, the Headteacher/DSL will discuss the content of the allegation with the LADO and the Trust's Designated Safeguarding Lead.
- 9.2. In the absence of the Trust's Designated Safeguarding Lead, allegations must be reported to the relevant Director of Education or Director of HR.
- 9.3. If the allegation made to a member of staff concerns the Headteacher, the member of staff will inform the Director of Education who will inform the Trust's Designated Safeguarding Lead, LADO and DSL.
- 9.4. In the case of the allegation being made against the CEO or a member of the ELT, the report must be made to the Director of HR who will inform the Chair of the Trust Board and the LADO.
- 9.5. Allegations against the Director of HR will be reported to the Trust's Designated Safeguarding Lead who will inform the CEO, Chair of the Trust Board and the LADO.

10. Initial Investigation of an Allegation

- 10.1. An initial assessment of the allegation will be conducted on the same day the allegation is made, if reasonably possible. If it is not possible, the initial investigation will be conducted the next working day.
- 10.2. Students making an allegation will be listened to and an accurate, written account recorded and signed by the student where this is appropriate and the student is able to do so. The account must be taken in the student's own words.
- 10.3. The initial sharing of information and evaluation may lead to a decision that no

further action is to be taken regarding the individual facing the allegation. In these circumstances, the Headteacher and Director of HR will record the reason and justification, and will agree with the LADO about what information will be shared with the person who is the subject of the allegation.

- 10.4. For allegations against the CEO, the initial assessment will be conducted by the Director of HR. The evaluation of this information will be carried out by the Chair of the Trust Board.
- 10.5. The right of staff to use reasonable force when dealing with instances of physical contact, such as disruptive behaviour, will be taken into account when considering allegations.
- 10.6. If the allegation is not clearly false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LADO or DSL will immediately refer it to the Local Authority Children's Social Care or Police and ask for a strategy discussion, in accordance with 'Working Together to Safeguard Children', to be convened straight away. In those circumstances, the strategy discussion will include the LADO, Headteacher, DSL, Trust's Designated Safeguarding Lead and the Director of Education or Director of HR.
- 10.7. If there is not a cause to suspect that 'significant' harm is an issue, but a criminal offence might have been committed, the LADO will immediately inform the Police to discuss the decision on whether a Police investigation is to be conducted.
- 10.8. Unless there is an objection by the Local Authority, Social Care services or the Police, the member of staff/volunteer who is the subject of the allegation (the member of staff concerned) will be informed of concerns or allegations as soon as possible. They will then be given an explanation of the likely course of action.

11. Investigation of an Allegation

- 11.1. If further investigation is required, the Trust will appoint an individual to carry this out (Case Investigator). In some situations, an independent investigation by a third party may be necessary.
- 11.2. For allegations against the CEO, or any member of the ELT, an independent external investigator will always be appointed.
- 11.3. Where further investigation is required, this will be conducted following the procedure as detailed in Disciplinary Policy.
- 11.4. The member of staff/volunteer concerned will be interviewed by the Case Investigator. However, if a referral has been made to the Police or Social Care services, the Trust will only conduct this interview once the Police or Social Care services have indicated that it will not interfere with any child protection enquiries or criminal investigations.
- 11.5. The member of staff concerned will be advised of the following:
 - The full allegation.
 - To contact their trade union representative, if they have one, or a work

colleague for support. If applicable, the member of staff will be granted welfare counselling available through the Trust.

- Their right to respond to the allegation and provide any evidence or documents to support their response.

- 11.6. The Case Investigator will also interview any witnesses to the incident or obtain any relevant evidence that has been referred to in any interviews.
- 11.7. The Case Investigator will provide a summary report to the Headteacher of the individual school, of the findings and evidence obtained, unless the Headteacher is the subject of the allegations.
- 11.8. For allegations against the CEO, a summary report will be provided to the Chair of the Board.
- 11.9. For allegations against a member of the ELT, a summary report will be provided to the CEO.
- 11.10. The member of staff/volunteer concerned will be kept informed of the progress of the case by a named manager or HR representative. This representative will also consider what other support is appropriate for the member of staff. This could also include support via the Employee Assistance Programme and the member of staff's line manager.
- 11.11. Particular care needs to be taken when staff/volunteers are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.
- 11.12. Social contact with colleagues must not be prevented, unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. Staff are reminded that it may become a disciplinary matter if there is a breach of confidentiality.
- 11.13. Parents or carers of a child or children involved will 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 Local Authority Children's Social Care services need to be involved, the Headteacher and appropriate body must not do so until those agencies have been consulted and have agreed what information can be disclosed to parents.
- 11.14. Parents and carers will be made aware of their requirement to maintain confidentiality about any allegations made against any member of staff/volunteer while investigations are ongoing and will be advised to seek legal advice if they wish reporting restrictions to be removed.

12. Investigation Outcome

- 12.1. When carrying out the investigation, the Trust will use one of the following definitions to determine the outcome of its investigation into the allegation:
 - **Substantiated** – where there is sufficient evidence to prove the allegation;

- **Malicious** – where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False** – where there is sufficient evidence to disprove the allegation;
- **Unsubstantiated** – where there is insufficient evidence either to disprove or prove the allegation. This term does not imply guilt or innocence;
- **Unfounded** – where there is no evidence or proper basis which supports the allegation being made. This will also be used in circumstances where the allegation related to a misinterpretation of an incident or where the witness was unaware of the circumstances.

- 12.2. When considered necessary, a disciplinary hearing will be held within the next ten working days (or if the matter is referred to the Police or Social Care services, after their investigation is concluded); and in accordance with the Trust's Disciplinary Policy.
- 12.3. The deliberations of a disciplinary hearing, and the information that has been considered to reach a decision, cannot be disclosed.
- 12.4. The parents or carers must also be kept informed about the progress of the case and notification of any actions taken where there is not a criminal prosecution.
- 12.5. In cases where a child may have suffered significant harm or there may be a criminal prosecution, the Local Authority Social Care services or the Police will consider what support the child or children involved may need.

13. Timescales

- 13.1. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. In addition, a lot of these timescales are outside the control of the Trust.
- 13.2. For those cases where it is immediately clear that the allegation is unfounded or is malicious, it is expected that the case should be resolved within one week, or five working days.
- 13.3. Where the initial consideration decides that the allegation does not involve a possible criminal offence, the Trust will handle the investigation. If, however, there are concerns about child protection, the Trust will discuss these concerns with the LADO.
- 13.4. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher, and the appropriate body will instigate appropriate action within five working days where possible. For allegations against the CEO, these actions will be instigated by the Chair of the Trust Board. Actions following allegations against a member of ELT will be instigated by the CEO.
- 13.5. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within ten working days where possible.
- 13.6. If a disciplinary hearing is required, but requires further investigation, the hearing will be held as soon as possible on completion of that investigation.

- 13.7. If the strategy discussion or initial assessment decides that a Police investigation is required, a target date will be set for reviewing the progress of any Police investigation and subsequent consultation of the Crown Prosecution Service (CPS) about any decision to:
- Charge the member of staff.
 - Continue to investigate.
 - Close the investigation.
- 13.8. Wherever possible, that review should take place no later than four weeks after the initial evaluation.
- 13.9. Dates for subsequent reviews, ideally at fortnightly intervals, will be set at the meeting if the investigation continues.
- 13.10. Referral must always be made to local authority guidelines.

14. Oversight and Monitoring

- 14.1. The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaising with the Local Safeguarding Children Partnership LSCP on the subject. The LADO will provide advice and guidance to the Trust, in addition to liaising with the Police and other agencies. The LADO will also monitor the progress of cases to ensure they are dealt with in a timely manner and that the cases are consistent with a thorough and fair process.
- 14.2. Reviews will be conducted at fortnightly or monthly intervals depending on the complexity of the case.

15. Suspension

- 15.1. The possible risk of harm to children posed by an accused member of staff needs to be effectively evaluated and managed in respect of the student(s) involved in the allegations.
- 15.2. This may require the Trust to consider suspending the member of staff or volunteer concerned until the case is resolved.
- 15.3. The member of staff leading the investigation at the school/Trust must consider carefully whether the circumstances of the case warrant the member of staff being suspended from contact with children at the school until the allegation is resolved.
- 15.4. Approval for suspension must be gained from the CEO or Director of Education with advice from the central HR team.
- 15.5. Any decision to suspend without pay must be formally agreed by the CEO and HR Director.
- 15.6. The leading member of staff must also consider whether the result that would be

achieved by suspensions could be obtained by alternative arrangements; for example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children.

- 15.7. This allows time for an informed decision regarding the suspension and possibly reduces the initial impact of the allegation. This will, however, depend upon the nature of the allegation.
- 15.8. Suspension must not be an automatic response when an allegation is reported. If the Trust is concerned about the welfare of other children in the community or the family of the member of staff, those concerns will be reported to the LADO or the Police. However, suspension is highly unlikely to be justified on the basis of such concerns alone.
- 15.9. Suspension will only be considered in a case where:
 - there is cause to suspect a child or other children at a school is, or are, at risk of significant harm; or
 - the allegation warrants investigation by the Police;
 - is potentially so serious that it might be grounds for dismissal;
 - there are reasonable grounds for concern that evidence may be tampered with/destroyed;
 - there is a belief that witnesses may be pressurised.
- 15.10. The Trust will consider the potential permanent professional reputational damage to staff that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.
- 15.11. Where it has been deemed appropriate to suspend a member of staff, they will be informed verbally and then given written confirmation explaining the reasons for the suspension. The member of staff should be given the name and contact details for their named contact within the Trust.
- 15.12. Local Authority Children's Social Care services or the Police cannot require the Trust to suspend a member of staff or volunteer, although appropriate weight should be given to their advice.
- 15.13. The power to suspend is vested in the CEO and Directors of Education. In cases of allegations against the CEO, the power to suspend is vested in the Chair of the Trust Board. Where a strategy discussion or initial evaluation concludes that there should be enquiries by the Local Authority Social Care services and/or an investigation by the Police, the LADO should canvass Police and the Local Authority Children's Social Care services for views about whether the accused member of staff needs to be suspended from contact with children and to inform them of the Trust's consideration of suspension.
- 15.14. Where the member of staff or volunteer concerned is suspended, but the investigation or disciplinary hearing finds an outcome of malicious, false or unfounded allegation and the conclusion is that the member of staff or volunteer should return to work, the Trust will assess with the member of staff what support may be required to facilitate a return to work.

16. Information Sharing

- 16.1. In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
- 16.2. Wherever possible, the Police will obtain consent from the individuals concerned in the allegations in order to share with the Trust any statements or evidence gathered. This consent should be obtained as the investigation proceeds. This will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.
- 16.3. The Local Authority's Social Care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation require protection or services. This is to ensure that any relevant information obtained in the course of those enquiries can be passed on to the Trust for possible use in a disciplinary case.
- 16.4. Schools and Trust staff will take advice from the Director of HR, the LADO, Police and Local Authority 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. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018, confidentiality and, where relevant, the Human Rights Act 1998.

17. Resignations

- 17.1. The fact that a member of staff or volunteer tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.
- 17.2. It is important that every effort is made to reach a conclusion in all cases of allegations which may have a bearing on the safety or welfare of children, including any in which the member of staff or volunteer concerned refuses to cooperate with the process.
- 17.3. Wherever possible, the member of staff or volunteer concerned must be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation, gathering supporting evidence, and reaching a judgement about whether the allegation can be regarded as substantiated must continue even if the member of staff or volunteer concerned has not taken the opportunity to answer the allegation or where the member of staff does not cooperate.
- 17.4. It may be difficult to reach a conclusion in the event of the member of staff or

volunteer concerned not co-operating and it may not be possible to apply any disciplinary sanctions if the member of staff's period of notice expires before the process is complete. However, it is important to reach and record a conclusion wherever possible.

18. Action following a Criminal Investigation or a Prosecution

- 18.1. The Police or Crown Prosecution Service should inform the Trust and the LADO straight away when/if:
- a criminal investigation and any subsequent trial is completed.
 - it is decided to close an investigation without charge.
 - the prosecution has been discontinued after the person is charged.
- 18.2. In these circumstances, the LADO will discuss with the Headteacher, Director of HR, the CEO, or the Chair of the Trust Board (where the allegation is against the CEO or ELT member) whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.
- 18.3. The information provided by the Police and/or the Local Authority Social Care services will inform the decision on whether any further action is appropriate and how to proceed. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the Police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

19. Record Keeping

- 19.1. Details of allegations that are found to have been malicious will be removed from personnel records.
- 19.2. For all other allegations, it is important that the following is kept in the confidential personnel file of the member of staff concerned:
- details of how the allegation was followed up and resolved.
 - a note of any action taken and decisions reached.
- 19.3. A copy of this information will also be given to the member of staff concerned.
- 19.4. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future Disclosure and Barring Service (DBS) checks reveal information from the Police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 19.5. The record will be retained at least until the member of staff concerned has reached normal pension age or for a period of ten years from the date of the allegation, whichever is longer.

20. Action on Conclusion of a Case

- 20.1. If an allegation is substantiated and the member of staff is dismissed, the Trust has a statutory duty to make reports and to provide relevant information to the DBS and Teacher Regulation Agency when it believes that an individual has engaged in conduct that harmed (or is likely to harm) a child, including inappropriate sexual conduct; or if a person otherwise poses a risk of harm to a child. Referrals will be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.
- 20.2. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments.
- 20.3. Upon conclusion of the case where the member of staff concerned has been suspended and can now return to work, the Trust and the school will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience.
- 20.4. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate for the member of staff.
- 20.5. The Trust and the school will also consider how the member of staff's contact with the child or children who made the allegation can best be managed if they are still a student at the school.

21. Reflection and Further Action

- 21.1. At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Headteacher, the Director of HR, the CEO and/or the Chair of the Trust. This is to determine whether there are any improvements to be made to the Trust's procedures or practices to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.
- 21.2. If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to Local Authority Children's Social Care services to determine whether the child concerned requires their services, or may possibly have been abused by someone else.
- 21.3. In the event that an allegation is shown to have been deliberately invented or malicious, the appropriate body and Headteacher, CEO or Chair will consider whether any disciplinary action is appropriate against the person responsible, even if he or she was not a student.
- 21.4. The CPS have published guidance for the Police on harassment (CPS Stalking and Harassment Guidance) under the Protection from Harassment Act 1997, which can be referred to as necessary.

22. References

- 22.1. Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, etc. will also not be included in any reference.

Supporting those Involved

23. Supporting the accused

- 23.1. The Trust has a duty of care to its employees and will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is vital to fulfilling this duty.
- 23.2. 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 Children's Social Care services or the Police.
- 23.3. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.
- 23.4. The accused will be given access to welfare counselling or medical advice.
- 23.5. The Trust will appoint a named representative to keep the accused informed of the progress of the case and consider what other support is appropriate for the individual; this may include occupational health.
- 23.6. Particular care will be taken when employees are suspended to ensure they are kept informed of both the progress of their case and current work-related issues.
- 23.7. Social contact with colleagues and friends is not prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

24. Supporting Parents

- 24.1. The welfare of the pupil(s) involved in an allegation will be paramount. Pupils involved will be fully supported in line with the Child Protection and Safeguarding Policy.
- 24.2. The parents of the pupil(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents would put the pupil at further risk. The case manager will work with the LADO to agree who should be informed about the allegation.
- 24.3. Parents will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.
- 24.4. Parents will be kept informed about the progress of the allegation and any action taken. Parents will be kept informed only in relation to their child - no information

will be shared regarding the staff member.

- 24.5. In deciding what information to disclose, careful consideration will be given to the provisions of the GDPR and the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

25. Supporting the Child

- 25.1. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care services or the Police will consider what support the child or children involved may need.

26. Monitoring and Review

- 26.1. This policy will be reviewed every two years.
- 26.2. Changes to this policy can be made at any time following a case review of recommendation from external agencies.
- 26.3. Any changes to this policy will be communicated to all staff members and relevant stakeholders.