



Procedure for managing allegations of abuse made against teachers, and other staff including supply and volunteers

PURPOSE

This procedure sets out the guidance which should be followed wherever an allegation of abuse is made against any member of school staff, any professional or consultant working in or for schools or any volunteer, including governors.

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School:	Ark Alexandra Academy	Approval:	Management team
Key Contact Name:	governance.team@arkonline.org	Key contact:	0203 116 6333

POSITIONING WITHIN ARK OPERATIONAL MODEL

Component	Element
<input type="checkbox"/> Strategic Leadership & Planning <input type="checkbox"/> Monitoring, Reporting & Data <input type="checkbox"/> Governance & Accountabilities <input type="checkbox"/> Teaching & Learning <input type="checkbox"/> Curriculum & Assessment <input checked="" type="checkbox"/> Culture, Ethos & Wellbeing <input type="checkbox"/> Pathways & Enrichment <input type="checkbox"/> Parents & Community <input type="checkbox"/> Finance, IT & Estates <input type="checkbox"/> Our People	Safeguarding

1. Introduction

This procedure sets out Ark Schools' procedure for managing allegations of abuse made against any member of school staff, supply staff or volunteers. It should be followed wherever an allegation of abuse is made and it should be noted that that a member of staff could be subject to an allegation even if they have not harmed a child or intended to harm a child. It is sufficient that the staff member's conduct could pose a risk to the child.

This procedure applies to teachers, senior leaders, supply teachers, other professionals and staff working in or for an Ark school and volunteers, including governors.

2. Aims

To set out the procedure for managing allegations of abuse in compliance with statutory requirements and to set out the support available to staff and volunteers who may be the subject of an allegation of abuse.

3. Purpose

- 3.1** The framework for managing cases of allegations of abuse against teachers and other staff is set out in the statutory guidance 'Keeping Children Safe in Education' (September 2020) (KCSIE). The guidance can be found [here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892394/Keeping_children_safe_in_education_2020.pdf).
- 3.2** This procedure should be read alongside the statutory guidance KCSIE September 2020 Part 4 and Ark Schools Safeguarding & Child Protection Policy s.18. This guidance should be followed where it is alleged that anyone working in the school or college that provides education for children 18 years of age and under, including supply teachers and volunteers 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 they may pose a risk of harm to children or to a particular child;
 - behaved or may have behaved in a way that indicates they may not be suitable to work with children
- 3.3** This guidance relates to members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police.

An allegation against a member of staff, supply staff or volunteer may arise from a number of sources e.g.:

- a report from a child victim
- a concern raised by another child/adult in the school/organisation/agency
- a concern raised by a parent or carer.

It is essential that any Safeguarding issue, concern or allegation made against staff, supply staff, volunteers or other professionals in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time support the person who is the subject of the concern or allegation.

An overview of how allegations must be handled is relevant for the purposes of Section 175/157 of the Education Act 2002.

3.4 Supply Staff

You may have to consider an allegation when the individual is not directly employed by the academy and the disciplinary procedures do not fully apply. The academy must ensure the allegations are dealt with properly and in no circumstances should a school or college decide to cease the use of a supply staff member due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.

When using an agency, schools and colleges should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

4. Defining an allegation

- 4.1.** In the first instance whenever an allegation is made against a member of staff, supply staff or volunteer that meets any of the above criteria, the Principal must be informed immediately. It is the Principal's responsibility to immediately consult the Designated Officer (LADO) and inform the Regional Director and Head of Safeguarding as necessary (Please refer to Appendix A for contact details).
- 4.2.** If the allegation is made against a Principal, the person receiving the information must contact the Regional Director and inform the Head of Safeguarding. If the allegation is against an Executive Principal or Regional Director, the person receiving the information must contact the Director of Primary or Secondary Education and inform the Head of Safeguarding.
- 4.3.** The People Business Partner should also be informed as soon as possible on any allegations against staff so that they can provide advice.
- 4.3.1** The Principal must advise the People Business Partner if an allegation:
 - could result in, or has resulted in, a strategic case meeting being called by a Designated Officer (LADO);
 - relates to a member of staff and, without prejudice to the case, the Principal judges that it may result in disciplinary action being taken.
- 4.4.** Where a safeguarding concern or allegation triggers another procedure such as a grievance or disciplinary, the academy should refer to the appropriate policy and contact the Regional People Business Partner who will provide HR advice in these circumstances
- 4.5.** If an allegation requires immediate attention, but is received outside of normal office hours, the Principal should consult the Social Care Emergency Duty Team or the Child Abuse Investigation Team (CAIT) via local Police. The Principal should also inform relevant people (see section 9.3) as soon as possible following this action.
- 4.6.** Please refer to the following flow chart which sets out a summary of the overall procedure to be followed.

Allegation raised

Allegation involves a member of staff, supply staff or volunteer

Allegation involves Principal

The Principal consults the Designated Officer (LADO).

Contact and inform Regional Director, Head of Safeguarding & People Business Partner.

Consult the Designated Officer (LADO) if not already done so.

Step 1: Initial considerations

Step 2: Fact finding exercise and further discussion with Designated Officer (LADO).

Step 3: Responses to fact finding

The pupil is alleged to have suffered, or is likely to suffer, significant harm.

Criminal offence is alleged.

The allegation relates to poor or inappropriate behaviour.

The allegation is clearly and demonstrably without foundation and no further action is required.

Designated Officer (LADO) to organise strategy discussion.

Where allegation of criminal offence, requires referral to police. In case of serious harm, referral required to social care.

Follow the Ark Schools Disciplinary or Capability procedures (where appropriate).

The staff member should be told orally and in writing that the allegation is without foundation and no further action will be taken. Details of allegations that are found to have been malicious should be removed from personnel records

The Principal will consult the Designated Officer (LADO) to discuss the next action points. Advice may also be sought from social care and the police as required. The case manager in the first instance should be the Principal/Head of school and should inform the accused person about the allegation as soon as possible after consulting the designated officer(s), unless advised by LADO not to do so. It is extremely important that the case manager provides the accused with as much information as possible can at that time.

Step 2: Conducting a fact-finding exercise

- 4.7.** After a discussion with the Designated Officer (LADO), the Principal should not conduct an investigative process on the matter. S/he should undertake a fact-finding exercise and:
- obtain written details of the concern/allegation
 - countersign and date the written details
 - record any information about times, dates and location of alleged incident(s) and names of any potential witnesses
 - make a record of any discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions onto the safeguarding recording system – Impero EdAware
 - if more information is required than the initial disclosure, the principal may obtain any additional information which may be relevant such as previous history, risk assessments, whether the child or their family have made similar allegations and the individual’s current contact with children.
- 4.8.** In cases of an allegation against the Principal, Regional Director or Executive Principal, s/he should not be asked to gather the above information themselves. (Refer to point 4.2)
- 4.9.** The following definitions should be used when determining the outcome of allegation investigations:
- a. Substantiated: there is sufficient evidence to prove the allegation;
 - b. Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
 - c. False: there is sufficient evidence to disprove the allegation;
 - d. Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
 - e. Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.
- 4.10.** After the fact-finding exercise and further discussion with the Designated Officer (LADO), and determined outcome one or more of the following may be applicable:
- a) The pupil is alleged to have suffered, or is likely to suffer, significant harm - this requires an immediate referral to social care.
 - b) A criminal offence is alleged - this requires referral to the police.
 - c) The allegation relates to poor or inappropriate behaviour and requires an investigation to be completed. The People Business Partner should be notified. In addition, the Head of Safeguarding should be informed to ensure staff/pupil support/external referral (as necessary)
 - d) The allegation is clearly and demonstrably without foundation and no further action is required.
- 4.11.** Where it is clear that an investigation by the police or Local Authority children’s social care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, in those circumstances the options open to the school are dependent on the nature and circumstances of the allegation and the evidence and information available. The school should refer to the Ark Schools Disciplinary or Capability Policy as appropriate.

4.12. The Principal will continue to update the Regional Director as well as the Head of Safeguarding and HR Business partner during the initial consideration process.

5. Responding to fact finding outcomes

Step 3: Responding to the fact finding outcomes

Following the fact-finding exercise, one or more of the outcomes set out in section 4.10 (a) to (e) below may be applicable.

5.1. Outcome where either 4.11 (a) the pupil is alleged to have suffered, or is likely to suffer, significant harm or 4.11 (b) a criminal offence is alleged.

5.1.1 Strategy discussion

If the conclusion relates to either 4.10 (a) or 4.10 (b) above, the Designated Officer (LADO) will arrange a strategy discussion. The Principal, police, social care, Regional People Business Partner must be invited and Head of Safeguarding should be invited (if matter relates to SLT/Principal). The staff member should not attend. The discussion will:

- focus on the needs of the pupil(s) who may be at risk; and
- determine what action should be taken regarding further investigation
- decide on who will inform the parents/carers of the child or young person

5.1.2 Strategy meeting

Following the outcome of the strategy discussion, a strategy meeting will be convened. The Designated Officer (LADO) will convene the meeting with any other relevant people, such as the Principal, social care, police, and Regional People Business Partner. The staff member against whom the allegations is made against should not attend. The general purpose of the meeting is to consider evidence and discuss next steps.

The LADO will send out a letter inviting attendees to the meeting, detailing what will be discussed. At the end of the strategy meeting, it will be agreed how and who will inform the staff member of the outcome.

Subsequent strategy meetings will be held fortnightly, or at a minimum, monthly, to review progress. Each strategy discussion outcome will depend on the facts of the matter and the particular agencies which may be involved.

Important note: where there is an allegation of harm or a crime has been committed, please also refer to sections 8 and 9 below.

5.2. Outcome where 4.11 (c) the allegation relates to poor or inappropriate behaviour

5.2.1 In the course of an investigation, several elements may be followed:

the Principal to liaise with the Regional People Business Partner to arrange for an investigation to be conducted. Guidance on who should undertake an investigation and how one must be completed can be found in The Ark Schools Disciplinary Policy point 5.

5.2.2 Enquires and assessment by social care about whether a child is in need of protection or in need of services.

5.2.3 Suspension during an investigation

Refer to [Ark Schools Disciplinary Policy Pt 9](#).

Discuss suspension with your Regional People Business Partner prior to taking action. If your Regional People Business Partner is unavailable, please ensure you contact the AskHR team for advice. You must ensure the Regional Director and Head of Safeguarding are informed.

At the conclusion of the investigation the possible outcomes are as follows:

- No further action
- Refer the matter to Informal management guidance and/or training
- Refer to a disciplinary hearing and whether the case is potentially one of gross Misconduct
- Refer to the Ark Schools Capability Policy and Procedure

5.3. Outcome where 4.10 (e) the allegation is clearly and demonstrably without foundation: If the conclusion relates to 4.10 (e), the staff member should be told orally and in writing that the allegation is without foundation and no further action will be taken. Details of allegations that are found to have been malicious should be removed from personnel records

6. Informing the individual and others

- 6.1.** The Principal should inform the member of staff against whom the allegation has been made against, about the allegation as soon as possible after consulting the Designated Officer (LADO), Head of Safeguarding and People Business Partner.
- 6.2.** The Principal will discuss with the Designated Officer (LADO) at the initial consideration stage on how to inform parents or carers of the allegation. Thereafter, parents/carers should also be kept informed about the progress of the case 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.

7. If a referral to children's social care is required

- 7.1.** As set out in section 4.10 (a), a referral is required:
- if a pupil has suffered, is suffering, or is likely to suffer significant or serious harm
 - a pupil alleges a criminal offence has been committed
 - where there is an allegation of a sexual nature

These referrals are managed in accordance with referral processes and thresholds established by the local safeguarding partners.

- 7.2.** The Principal will liaise with the DSL when a referral to social care and or external body is required.

8. If a crime has been committed

- 8.1.** As set out in section 4.10 (b), if a crime has been committed, and there is no reason to suspect significant harm, the Designated Officer (LADO) will immediately inform the police and organise a strategy discussion to decide if a police investigation is needed.
- 8.2.** If it is not necessary to work with social care, but a police investigation is required, the Designated Officer (LADO) will then agree with the police, the school and any other agencies the nature of the allegation and how it should be addressed. The discussion will take place within one working day of the referral. The police will continue to monitor the case.
- 8.3.** If the member of staff is not charged, the Principal and Designated Officer (LADO) will decide how to handle the case. If a charge is necessary, the police will inform the member of staff.

9. Suspension

In cases where suspension is a consideration refer to [Ark Schools Disciplinary Policy Pt 9](#).

You **must** discuss suspension with your Regional People Business Partner prior to taking action.

10. Record keeping and information sharing

Records

- 10.1.** The Principal will record any allegation, concern and discussions on a permission only part of Impero EdAware the safeguarding all-in-one online recording tool. Records should be completed as soon as possible after the allegation. This includes:
- incident details
 - follow up action
 - how it was resolved
 - action taken
 - any sanctions
- 10.2.** Even if no police or disciplinary action is taken, a record will be kept of the allegation on the Impero EdAware online tool.
- 10.3.** If the actions of the member of staff, and the consequences of the actions, do not raise credible allegation concerns, but do raise other issues in relation to the conduct of the member of staff or the pupil(s), this will be addressed in accordance with internal procedures.
- 10.4.** Any information or referral forms submitted to the Designated Officer (LADO) or investigation agencies should be scanned into the file.

Information sharing: need to know

- 10.5.** Other staff will only be informed on a 'need to know' basis. Notification may be delayed if the police believe it could prejudice an investigation. Those who will be told are likely to include:
- staff member;
 - pupil concerned and their parent(s)/carers;
 - individual making the allegation;
 - principal and regional director;
 - head of safeguarding and People Business Partner;
 - head of communications;
 - designated officer (LADO) and investigating agencies
- 10.6.** If a staff member's suspension results in disciplinary action, the investigating officer and members on the disciplinary chair (if appropriate) will be given all information with redactions to protect the identity of pupils.
- 10.7.** The individuals outlined above will be informed of the outcome/actions of any meeting, as well as Ark's Education Directors, the Chair of the governing body and Safeguarding link governor (as necessary).

11. False allegations

- 11.1.** If an allegation is found to be false, action will be taken to see if the person making the allegation is in need of services. If it is a deliberately malicious allegation made by:
- a pupil, the Principal will take action in line with the Behavioural Policy.
 - a staff member, it will be handled in accordance with the Disciplinary Policy – the police may also consider taking action in this situation.
- 11.2.** If it is clear an allegation is false and /or unfounded, the accused staff member will be informed orally and in writing that no further action will be taken. Details of allegations that are found to have been malicious should be removed from personnel records.

12. Supporting those involved

- 12.1.** Ark has a duty of care to staff, supply staff and volunteers. The school aims to support the individual throughout the allegation process and will do all it can to manage and minimise stress. If the individual is external to the school, contact will be made with the relevant agency or service provider.
- 12.2.** Information will be provided to the individual as soon as possible in line with the guidance set out in this procedure and throughout the allegation process. A named representative will be appointed to keep the individual informed of the progress of the allegation.
- 12.3.** The member of staff or supply staff may wish to contact their Trade Union Representative, if they have one, or a colleague for support. Staff should also be reminded about the confidential counselling support, which is available through the Employee Assistance Programme (section 13).
- 12.4.** Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. The staff member should be advised not to discuss the case with any staff members.

13. Employee Assistance Programme

- 13.1.** The service is available 24 hours a day, 7 days a week, and 365 days a year and is accessible by phone, email, instant messaging and website. The service offers assistance with any work, personal or family issue and includes professional consultation, access to face-to-face counselling (up to six sessions), information, resources and referrals to local services. EAP can be accessed, in the following ways:

FREEPHONE: 0800 243 458
EMAIL assistance@workplaceoptions.com
WEBSITE www.workplaceoptions.com (Username: **Ark Schools**, Password: **employee**)
SMS (for call back): **07909 341 229**

- 13.2.** Should medical advice and guidance be required this can be arranged through the member of staff responsible for HR within the academy, who will arrange for a referral to Ark's Occupational Health providers.

14. Confidentiality

- 14.1.** It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Schools should take advice from Ark Central on:
- 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.

15. On conclusion of a case and exit arrangements: possible referrals required

If an allegation is founded, the KCSIE guidance should be consulted in conjunction with this procedure as to which referrals to professional bodies may be required.

15.1. Referral to Disclosure and Barring Service (BBS)

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual. To satisfy the harm test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour, etc.
- For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in ‘relevant conduct’) would satisfy the harm test.
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has ceased working in a regulated activity or would have been removed had they not left.

15.2. Referral to Teaching Regulation Agency (TRA) for consideration

Where an allegation is substantiated and the member of staff is dismissed or resigns, school should consider referring the matter to the TRA for consideration for a prohibition order.

16. Lessons learnt

- 16.1.** If there is a substantiated allegation against a member of staff, the Principal, Regional Director, Head of Safeguarding, People Business Partner, DSL and Director of External Relations will work with the Designated Officer (LADO) to identify any changes, lessons learnt and improvements which could be made to help prevent similar events in the future.