



Allegations of Abuse Made Against Staff Policy

Embrace Multi Academy Trust strives to maintain and improve good provision and outcomes at each of its member academies. Based upon our shared values and ethos, we aim to support the learning and development of every person within the trust and our policies are written from this perspective.

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1. Purpose.

- 1.1. This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:
 - behaved in a way that has harmed a child, or may have harmed a child; and/or
 - possibly committed a criminal offence against or related to a child; and/or
 - behaved towards a child or children in a way that indicates they would pose a risk of harm to children; and/or
 - behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 1.2. It applies regardless of whether the alleged abuse took place in the school / trust or externally (this is known as transferable risk). Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.
- 1.3. We will assess and deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection, while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement; see also [section 12](#) below regarding low level concerns. Any matters not covered within this document will default to Part Four of the Keeping Children Safe in Education Document 'Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors.'

2. Suspension.

- 2.1. Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is / are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, [we will only suspend an individual](#) if we have considered all other options available, have consulted the trust leader and trust HR team, complied with the requirements of the trust's scheme of delegation and where there is no reasonable alternative.
- 2.2. Based on an assessment of risk, we will consider alternatives such as:
 - redeployment within the school 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 the individual to alternative work in the school so that they do not have unsupervised access to children;
 - moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted;
 - temporarily redeploying the individual to another role in a different location, for example to an alternative school within the trust;
 - keeping the suspension under regular review to ensure that it is in place for no longer than is proportionate or necessary.

Suspension is to be confirmed in writing to the employee, providing the rationale and justification for the decision.

3. Definitions for outcomes of allegation investigations.

- **substantiated:** there is sufficient evidence to prove the allegation;
- **malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **false:** there is sufficient evidence to disprove the allegation;
- **unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence);
- **unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made;

4. Procedure for dealing with allegations.

4.1. In the event of an allegation that meets the criteria in [section 1](#) above, the headteacher (or where the headteacher is the subject of the allegation this will be determined by the trust leader) will become the 'case manager' and will take the following steps:

- a) Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary (being careful not to jeopardise any possible future police investigation), to enable a decision on how to proceed, and whether it is necessary to involve the police and / or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer, for example if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police).
- b) Immediately inform the chair of governors of the allegation. This is to ensure that they are aware of the situation and can offer support.
- c) Immediately discuss the allegation with the trust leader and trust HR team. This is to ensure that they are aware of the situation and can offer further advice and support.
- d) Consider carefully when to inform the individual of the allegation on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.
- e) Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer, trust leader, trust HR team and chair of governors (and the police or children's social care services, where necessary). Where the police and / or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- f) Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is

justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and / or children's social care services, as appropriate. The decision will be made together with the trust leader and trust HR team.

- g) If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. [Written confirmation of the suspension](#) will be provided to the individual facing the allegation or concern within one working day, and the individual will be given a named contact at the school and their contact details.
- h) If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- i) If it is decided that further action is needed, take steps as agreed with the designated officer to initiate the appropriate action in school and / or liaise with the police and / or children's social care services as appropriate.
- j) Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate, such as, advising the employee to contact their trade union representative and providing them with contact details of the trust's wellbeing and counselling support services.
- k) Inform the parents / carers of the child / children involved about the allegation as soon as possible, if they do not already know (following agreement with children's social care services and / or the police, if applicable). The case manager will also inform the parents / carers of the requirement to maintain confidentiality about any allegations made against members of staff while investigations are ongoing. Any parent / carer who indicates that they wish to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice.
- l) Keep the parents / carers of the child / children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- m) [Make a referral to the DBS](#) where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.
- n) If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

4.2. Where the police are involved, wherever possible the headteacher and trust leader will ask the police at the start of the investigation to obtain consent from the

individuals involved to share their statements and evidence for use in the trust's disciplinary process, should this be required at a later point.

5. Organisations or Individuals using school premises.

- 5.1. Where an allegation is received relating to an incident that happened when an individual or organisation was using the school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities), then the guidance at section 4 should also be followed, taking guidance from the LADO as the first step.

6. Timescales.

- 6.1. Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within one week.
- 6.2. If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within three working days.
- 6.3. If a disciplinary hearing is required and can be held without further investigation, we will hold this without unnecessary delay.
- 6.4. Where an investigation is required, it will be conducted as swiftly as possible, bearing in mind the need to follow the timescales within the trust disciplinary policy and to allow time for the individual facing the allegation or concern to consult with advisors, as necessary and appropriate.

7. Specific actions.

7.1. Action following a criminal investigation or prosecution:

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, considering information provided by the police and / or children's social care services.

7.2. Conclusion of a case where the allegation is substantiated.

If the allegation is substantiated and the individual is dismissed or the school / trust ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager, trust leader and the trust HR team will discuss with the designated officer whether to make a [referral to the DBS](#) for consideration of whether inclusion on the barred list is required.

If the individual concerned is a member of teaching staff, the case manager and trust HR team will discuss with the designated officer whether to refer the matter to the [Teaching Regulation Agency](#) to consider prohibiting the individual from teaching.

7.3. Individuals returning to work after suspension.

If it is decided on the conclusion of a case that an individual who has been [suspended can return to work](#), the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children, member(s) of staff or parent(s) / carer(s) who made the allegation, if they are still involved with the school / trust.

7.4. **Unsubstantiated or malicious allegations.**

If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) or member(s) of staff who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

8. Confidentiality.

8.1. The school / trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

8.2. The case manager will take advice from the local authority's designated officer, police, children's social care services, trust leader and trust HR team, as appropriate, to agree:

- who needs to know about the allegation and what information can be shared;
- how to manage speculation, leaks and gossip, including how to make parents / carers of a child / children involved aware of their obligations with respect to confidentiality;
- what, if any, information can be reasonably given to the wider community to reduce speculation;
- how to manage press interest if, and when, it arises.

In all circumstances where there is a likelihood/possibility of press interest or there is already press interest, then this will be managed by the trust in accordance with the media policy.

9. Record-keeping.

9.1. The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- notes of any action taken and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file.

9.2. Where records contain information about allegations of sexual abuse, we will retain those records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

9.3. The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

10. References.

10.1. When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

11. Learning lessons.

11.1. After any cases where the allegations are substantiated, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's and trust's procedures or practice to help prevent similar events in the future. This will include consideration of (as applicable):

- issues arising from the decision to suspend the member of staff;
- the duration of the suspension;
- whether or not the suspension was justified;
- the use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

LOW LEVEL CONCERNS

12. Concerns that do not meet the harm test.

12.1 Concerns (including allegations) which do not meet the harm threshold, as set out above at [section 1.1](#), may arise in several ways and from a number of sources. For example: suspicion, complaint, or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

12.2 The trust has a specific low-level concerns policy which should be read in conjunction with this policy, particularly where there are allegations of abuse made against staff which may meet a lower threshold of concern.