



Statement of Procedure for Dealing with Allegations of Abuse Against All Staff and Volunteers

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1. Introduction

- 1.1. This Statement of Procedure follows the DfE Statutory Guidance Keeping Children Safe in Education Part four: Allegations made against/concerns raised in relation to teachers and other staff.
- 1.2. It is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used in respect of all cases where it is alleged that an employee or volunteer, or a person with permission to be on the premises or carrying out any activity on behalf of Extol Trust 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 – this includes behaviour taking place both inside and outside of school
- 1.3. This will include allegations involving any type of abuse or neglect, including inappropriate relationships with pupils, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.
- 1.4. If we are in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).
- 1.5. 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.

2. Communicating the Procedures

- 2.1. All members of the senior management team and the designated safeguarding lead with responsibility for child protection have a responsibility to ensure that all employees know about and understand paragraph 3 below.
- 2.2. In accordance with the DfE Statutory Guidance, all employees should also read at least Part one of Keeping Children Safe in Education, which contains safeguarding information for all employees.
- 2.3. All members of the senior management team and the designated safeguarding lead have a responsibility to be familiar with the Statutory Guidance in its entirety.

3. Duties and Responsibilities of the Case Manager

- 3.1. The duties and responsibilities of the Case Manager are as described in Keeping Children Safe in Education Part four: Allegations made against/concerns raised in relation to teachers and other staff

- 3.2. A “case manager” will lead any investigation. This will be either the Headteacher or, where the headteacher is the subject of an allegation, the Chief Executive Officer or Chair of the Board of Trustees.

4. Immediately Reporting an Allegation

- 4.1. Everyone who comes into contact with children and their families has a role to play in safeguarding children. If you have a concern that a person (as described in paragraph 1.2 above) may have behaved inappropriately or you have received information that may constitute an allegation or a low-level concern **you must:**

- Report the facts to the Case Manager as soon as possible. All concerns will be listened to and managed appropriately; do not withhold information however trivial it may seem
- In the absence of the Case Manager you must report the matter to the most senior person available who will carry out the Case Manager’s duties in their absence. If the allegation concerns the Case Manager, then the matter must be reported to the Chair of the Board of Trustees
- Make a signed and dated written record of your concerns, observations or the information you have received and give it to the Case Manager straight away
- Maintain strict confidentiality.

4.2. **You must not:**

- Attempt to deal with the situation yourself
- Make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents
- Keep the information to yourself or promise confidentiality
- 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.

- 4.3. In the event that an adult has found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards the adult should self-refer this to those with designated safeguarding responsibilities. The Trust is committed to creating an environment where staff are encouraged and feel confident to self-refer.

- 4.4. The contact details for the Case Manager are:

Sonya Black, Headteacher, Clavering Primary School

sonya.black@claveringschool.org.uk

Christian Park, Headteacher, Eldon Grove Academy

Headteacher@eldongroveacademy.co.uk

Emma Robins, Headteacher, New Silksworth Academy

emma.robins@newsilksworthacademy.co.uk

Caroline Reed, Headteacher, Rossmere Academy

headteacher@rossmereschool.org.uk

Zoe Westley, Headteacher, Springwell School
headteacher@springwellschool.co.uk
Paul Watson, Headteacher, Thorntree Academy
trpaul.watson@thorntreeacademy.org.uk
Julie Deville, CEO, Extol Trust
julie.deville@extoltrust.co.uk

5. Allegations of abuse made against staff

- 5.1. This section of 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, or
 - Possibly committed a criminal offence against or related to a child, or
 - Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children
- 5.2. In accordance with Keeping Children Safe in Education (as amended) the responsibility to manage allegations against staff is now extended to supply teachers and the Trust will ensure all allegations against supply teachers are dealt with appropriately and in line with this policy.
- 5.3. It applies regardless of whether the alleged abuse took place in the Trust. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.
- 5.4. We will 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.
- 5.5. Our procedures for dealing with allegations will be applied with common sense and judgement.

6. Suspension

- 6.1. 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 and there is no reasonable alternative.
- 6.2. Based on an assessment of risk, we will consider alternatives such as:
- Redeployment within the Trust so that the individual does not have direct contact with the child or children concerned
 - Providing an assistant to be present when the individual has contact with children
 - Redeploying the individual to alternative work in the Trust 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 Academy or other work for the Trust.

7.3 If in doubt, the case manager will seek views from the school's personnel adviser and the designated officer at the local authority, as well as the police and local authority children's social care where they have been involved.

7. Procedure for dealing with allegations

7.1. In the event of an allegation that meets the criteria above, the 'case manager' – will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- 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 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)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (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
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the Trust 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
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to local authority children's social care

7.2. **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 1 working day, and the individual will be given a named contact at the Trust and their contact details

- 7.3. **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
- 7.4. **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in the Trust and/or liaise with the police and/or children's social care services as appropriate
- 7.5. 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. Support available is through recognised unions. Staff members can also be supported by a colleague without a conflict of interest. The Trust also has access to occupational health services and staff can access counselling services upon request.
- 7.6. Inform the parents or 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 or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- 7.7. Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- 7.8. 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.

8. 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, or to cause harm to the subject of the allegation
- **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

9. Reporting to other parties

- 9.1. We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.
- 9.2. If the Trust 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.
- 9.3. Where the police are involved, wherever possible the Trust 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.
- 9.4. Additional considerations for supply teachers and all contracted staff:

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

10. Timescales

- 10.1. Investigations should be conducted promptly and with a sense of urgency however each individual case could vary in timescales due to a number of reasons including the nature, seriousness and complexity of the allegation. We will endeavour to comply with the following timescales, where reasonably practicable:
 - Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week

- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
- If a disciplinary hearing is required, the timescales from the Trust's Disciplinary Policy will be followed.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

11. Specific actions

11.1. 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, taking into account information provided by the police and/or children's social care services.

11.2. Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the Trust ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the Trust will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

11.3. 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 who made the allegation, if they are still attending the school.

11.4. Unsubstantiated, unfounded, false or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to local authority children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

11.5. Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the

child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to local authority children's social care may be appropriate

- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

12. Confidentiality and information sharing

12.1. The Trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

12.2. The case manager will take advice from the LADO, police and children's social care services, 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 or 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

13. Record-keeping

13.1. 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.

13.2. The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

13.3. For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

13.4. In these cases, the school will provide a copy to the individual, in agreement with local authority children's social care or the police as appropriate.

13.5. We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

14. References

14.1. When providing employer references, we will:

- Not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any repeated allegations that have been found to be false, unfounded, unsubstantiated or malicious.
- Include substantiated allegations, provided that the information is factual and does not include opinions.

15. Learning lessons

15.1. After any cases where the allegations are substantiated, we will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the Trust's procedures or practice to help prevent similar events in the future.

15.2. 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

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

16. Non-recent allegations

16.1 Abuse can be reported, no matter how long ago it happened.

16.2 We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

16.3 Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

17. Concerns that do not meet the threshold of harm

17.1 These will be dealt with in line with the procedures set out in the Extol Safeguarding and Child Protection Policy

18. Links to other policies

- Code of conduct
- Disciplinary Policy