

2017

Managing allegations of abuse



Person responsible for the policy - **Chief Executive Officer (CEO)**


Company Secretary reviewed 07/06/2017

Reviewed and adopted by the Standards Committee on behalf of the Board on 15/06/2017



Signed by Chair of Standards (Mr C Coverley)

Date 15/06/2017



Signed by CEO (Mrs J O'Leary)

Date 15/06/2017

This policy will be reviewed summer 2019

1 Underlying principles

1.1 When an allegation is made against a member of staff, set procedures must be followed.

SHINE Multi Academy Trust (SHINE) Board of Trustees (Board) will follow the procedures as outlined in this policy statement in line with the DfE Keeping Children Safe in Education.

1.2 It is rare for a child to make an entirely false or malicious allegation, although misunderstanding and misinterpretations of events can and do happen. A child may also make an allegation against an innocent party because they are too afraid to name the real perpetrator. Even so, we must accept that some professionals do pose a serious risk to pupils and we must act on every allegation. Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its staff may be suspended where this is deemed to be the best way to ensure that children are protected.

1.3 This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in

their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of staff in an individual academy that provides education for children have:

- 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 he or she would pose a risk of harm if they work regularly or closely with children in any establishment regardless of whether the academy is where the alleged abuse took place.

1.4 Allegations a member of staff who is no longer employed by SHINE should be referred to the police.

1.5 The Board has a duty of care to their employees. The Board will ensure they provide effective support for anyone facing an allegation and provide the employee with a name contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

2 Key Points

2.1 Allegations against staff should be reported immediately to the Academy Headteacher, allegations made against the Academy Headteacher should be reported to the Chair of the Board. (c/o The Clerk to the Board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email clerk@shine-mat.com)

2.2 If an allegation is made against a member of staff the quick resolution of that allegation should be clear priority to the benefit of all concerned

2.3 In response to an allegation all other options should be considered before suspending a member of staff. Suspension should not be the default option. An individual should be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be agreed and recorded by the Academy Headteacher and under the advice of the Trust's HR provider and the individual notified of the reasons.

2.4 Allegations that found to be malicious allegations are likely to result in appropriate sanctions.

2.5 Pupils that are found to have made malicious allegation may also result in appropriate sanctions for the pupil.

3 Initial considerations and procedure to be applied

3.1 The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by authorities and social care services.

3.2 Some rare allegations will be so serious they require immediate intervention by children's social care and / or police.

3.3 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification should be recorded by the Academy, the Board with the support of their HR provider.

3.4 The Academy Headteacher should inform the accused person about the allegation as soon as possible after consulting with the other appropriate agencies. Where a strategy discussion is needed, or police or child services need to be involved, the member of staff should not be given detailed information until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

3.5 If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with 'Working Together to Safeguard Children'. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances.

3.6 Where it is clear that an investigation by the police or children's social care services is unnecessary, the Board should take advice on the next steps from its HR provider. In such circumstance, the options open to the Academy and Board will depend on the nature and circumstances of the allegations and the evidence and information available.

4 Supporting those involved

- 4.1 The Board has a duty of care towards their employees. The Board will act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty.
- 4.2 Individuals should 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 services or the police.
- 4.3 The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where appropriate.
- 4.4 The Academy Headteacher should appoint a named representative to keep the person who is subject to the allegation informed of the progress in the case and consider what other support is appropriate.
- 4.5 Particular care needs to be taken in cases where the member of staff is suspended to ensure that they are kept informed of both the progress of their case and current work related issues. 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.
- 4.6 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it.
- 4.7 Parents and 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.
- 4.8 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 as appropriate, should consider the support the child or children involved may need.

5 Outcomes of allegations

- 5.1 The following definitions would be used when determining the outcome 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. The term, therefore, does not imply guilt or innocence.

6 Allegations that are substantiated

6.1 The Board has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working in regulated activity, or would have been removed had they not left.

6.2 The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.