

## PROCEDURE FOR

### Dealing with allegations against staff, volunteers and other professionals

This procedure is to be used in cases in which it is alleged that a person who works with children (either paid /unpaid/self-employed/contracted) 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.

*Please note that a member of staff could be subject to an allegation even if they have not harmed a child or intended to. It is enough that the staff member's conduct could pose a risk to the child.*

An allegation against a member of staff 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
- A concern raised by a parent or carer.

It is essential that any Safeguarding issue, concern or allegation made against 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 supports the person who is the subject of the concern or allegation. 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 (Sept 2016)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487799/Keeeping\\_children\\_safe\\_in\\_education\\_draft\\_statutory\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487799/Keeeping_children_safe_in_education_draft_statutory_guidance.pdf)

An overview of how allegations should be handled is relevant for the purposes of s.157 of the Education Act 2002.

#### 1. Defining an Allegation

- 1.1 In the first instance whenever an allegation is made against a professional or volunteer that meets any of the above criteria, the Principal and or Designated Safeguarding Lead responsible for receiving such allegations within their school must immediately consult –the Head of Safeguarding. **(contact details Appendix A)**
- 1.2 If the allegation is against a Principal, the person receiving the information must contact the Head of Safeguarding and the Regional Director.
- 1.3 The Designated Safeguarding Lead or Principal must advise the Regional Director, Head of Safeguarding and People Business Partner if an allegation:
  - Could result in, or has resulted in, a strategic case meeting being called by a Local Authority Designated Officer (LADO);
  - Relates to a member of staff and, without prejudice to the case, the Designated Safeguarding Lead judges may result in disciplinary action being taken.

- 1.4. Where a safeguarding concern or allegation triggers another procedure such a grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated. The People Business Partner will provide HR advice in these circumstances.
- 1.5 Where the Principal and or the DSL considers that the matter meets the threshold, the DSL and or the Principal will liaise with the Local Authority Designated Officer (LADO), to discuss the matter. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened. This would involve the employer, police and social services attending these discussions to discuss the allegations and agree how the matter will be addressed. The DSL and or the Principal will continue to update the Regional Director as well as the Head of Safeguarding during this time.

## 2. Initial Considerations

- 2.1 The school must ensure that the person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. The initial action followed by the person receiving or identifying an allegation or concern should:
  - Make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), person present and what was said.
  - Sign and date the written record
  - Immediately report the matter to the Principal and or Designated Safeguarding Lead (DSL), or deputy in his/her absence or where the DSL is the subject of the allegation and pass across all documentation.

S/he should not:

- Investigate or ask leading questions, if seeking clarification
  - Make assumptions or offer alternative explanations
  - Promise complete confidentiality
- 2.2 The Principal and or Designated Safeguarding Lead should **not conduct an investigative process as specified in s.3** on the matter. S/he should undertake a fact finding exercise and:
    - Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the 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
    - Record discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions.
    - If more information is required than the initial disclosure, the Head of Safeguarding may ask the Principal/ Designated Safeguarding Lead to provide or 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.
  - 2.3 In cases of an allegation against the Principal, s/he should not be asked to gather the above information themselves. **(Refer to point 1.2)**

- 2.4 The Principal and or Designated Safeguarding Lead should inform the member of staff against whom the allegation has been made about the allegation as soon as possible after consulting the Head of Safeguarding and the LADO. If sharing the information with the member of staff will not impede or undermine any subsequent investigation, there should be no delay in doing so. At this early stage, it is advisable only to explain that an allegation of a child protection nature has been made. The detail of the allegation will be explained in the course of the investigation process, in accordance with Ark Disciplinary Policy.
- 2.5 As soon as possible after an allegation is made, the parents or carers should be informed. Where possible, advice should be sought from the Head of Safeguarding and or LADO in advance on how this should be managed. They 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.
- 2.6 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 for it should be recorded by the Head of Safeguarding and/or People Business Partner and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The Head of Safeguarding and/or People Business Partner should then consider with the designated officer (s) what action should follow both in respect of the individual and those who made the initial allegation.
- 2.7 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.

### 3. Investigating Process

- 3.1 When determining the actions to be taken following initial considerations, the Head of Safeguarding, People Business Partner and the LADO will use the following definitions:

**Substantiated:** there is sufficient evidence to prove the allegation and referred for an investigation;

**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;

**Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;

**Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

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

- a) a Police investigation of a possible criminal offence
- b) enquires and assessment by Social Care about whether a child is in need of protection or in need of services
- c) consideration by Ark Schools of disciplinary action in respect of the alleged individual.
- d) the LADO has to agree the appropriate action to be taken and arrange a strategy meeting
- e) if an allegation is deemed as requiring a formal investigation the Head of Employment Relations will inform the Schools HR Business Partner/Advisor to arrange for an investigation to be conducted.

3.3 However, where a strategy discussion is needed, or police or Local Authority's social care need to be involved, the Principal and or the Designated Safeguarding Lead should not inform the accused member of staff until those agencies have been consulted, and have agreed what information can be disclosed to the person. The People Business Partner and the Principal must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved.

3.4 In the case of the Principal being suspended from contact with children at the school until the allegation or concern is resolved, the People Business Partner would discuss with the Regional Director who would notify Director of Education Primary, Director of Education Support Head of Governance, Head of Safeguarding and Chair of Governors.

3.5 If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour or non-compliance.

3.6 If an allegation requires immediate attention, but is received outside of normal office hours, the Principal and or the Designated Safeguarding Lead should consult the Social Care Emergency Duty Team or the Child Abuse Investigation Team (CAIT) via local Police. The Principal and or the Designated Safeguarding Lead should also inform the Head of Safeguarding or Head of Governance or People Business Partner and the LADO as soon as possible following this action.

3.7 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, the Head of Safeguarding/People Business Partner/LADO should discuss the next steps with the Principal and or the Designated Safeguarding Lead.

3.8 In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Suspension should not be the default position – an individual should only be suspended if there is no reasonable alternative.

3.9 In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the Head of Safeguarding and/or People Business Partner and/or LADO should discuss with the Principal and /or Designated Safeguarding Lead how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator.

3.10 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care, or the police as appropriate, should consider what support the child or children involved may need.

## 4 Supporting those involved

- 4.1 Ark has a duty of care to employees and should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. 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 care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be reminded about the confidential counselling support which is available through the employee assistance programme.
- 4.2 **Employee Assistance Programme.** The service is available 24 hours a day, 7 days a week, 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.

You can access the service in the following ways:

FREEPHONE: 0800 243 458

E-MAIL: [assistance@workplaceoptions.com](mailto:assistance@workplaceoptions.com)

WEBSITE: [www.workplaceoptions.com](http://www.workplaceoptions.com)

USERNAME: **Ark Schools**

PASSWORD: **employee**

Should medical advice and guidance be required this can be arranged through Ark Central HR who will arrange for a referral to our Occupational Health providers.

- 4.3 The DSL and/or People Business Partner should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are 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.

## 5 Confidentiality

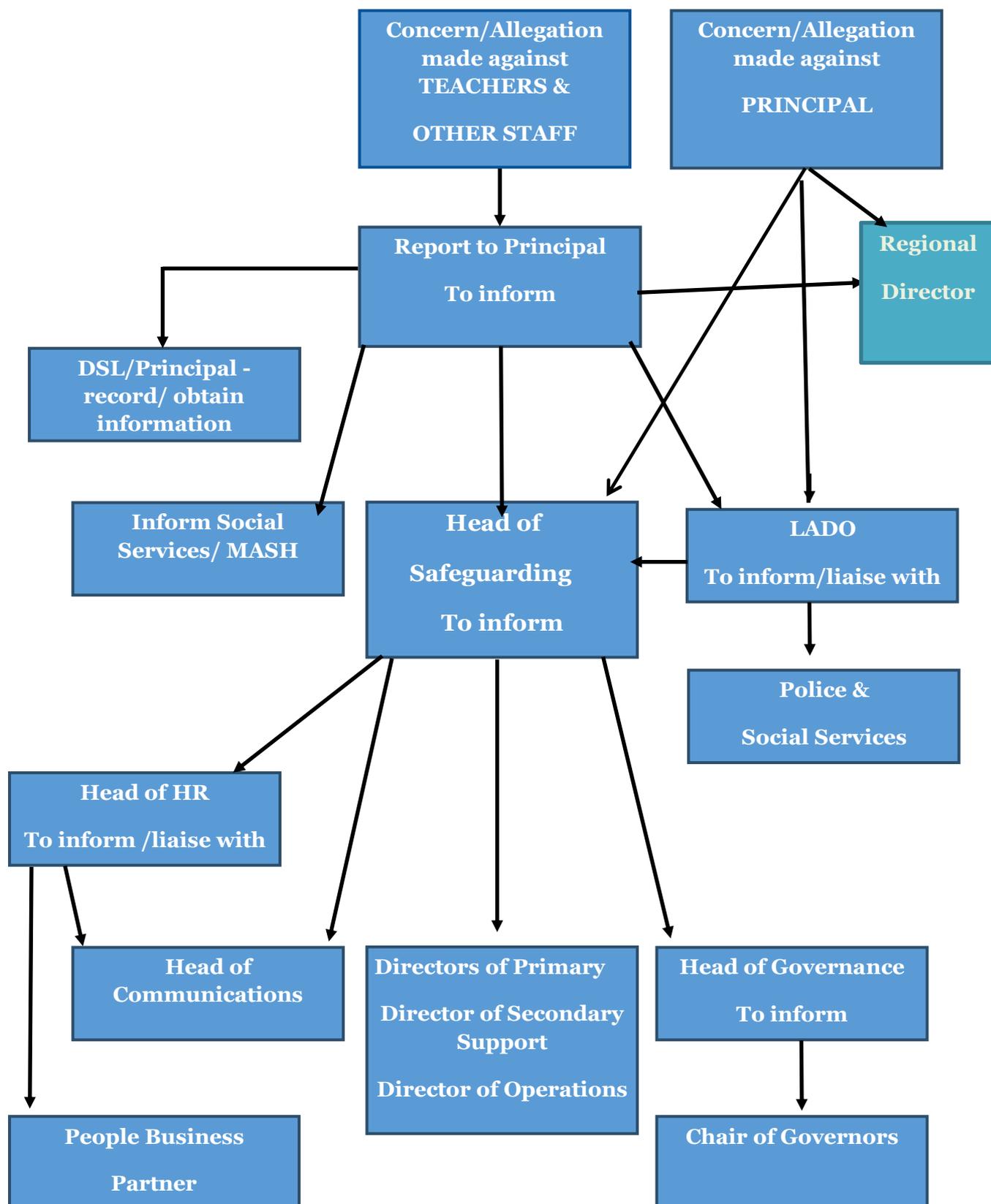
It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Schools should take advice from Ark Central on:

- 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.

## **6 Referral to Disclosure and Barring Service (DBS)**

- 6.1 If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, comes to a settlement agreement with the school to end their employment or leaves the school by any other means, including long-term absence, while the subject of an investigation relating to a safeguarding allegation. Ark Schools should discuss with the LADO whether a referral should be made to the Disclosure and Barring Service (DBS) and Ark Schools must also recognise it has a legal obligation to make a referral to the DBS.
- The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 Explanatory Memorandum
- 6.2 If there is a substantiated allegation against a member of staff, the School, Regional Director, Head of Safeguarding, Head of Diversity and Employee Relations and the People Business Partner will work with the LADO to identify any changes, lessons learnt and improvements which could be made to help prevent similar events in the future.

**Flowchart for safeguarding concern/allegation made against teachers, other staff or Principal**



### Concern/Allegations Recording Form

**Subject of Allegation:**

First name:	Surname:
D.O.B:	
Gender:	
Ethnicity:	
Disability:	
Job Title/Role:	
Type of Employment:	
School/Agency Name:	
School/Agency Address:	
Other Roles:	
Home Address:	

**Details of children under18 in the subjects household:**

<p><b>Name:</b></p> <p><b>D.O.B:</b></p> <p><b>Protocol number (if known)</b></p>
<p><b>Name:</b></p> <p><b>D.O.B:</b></p> <p><b>Protocol number (if known)</b></p>
<p><b>Name:</b></p> <p><b>D.O.B:</b></p> <p><b>Protocol number (if known)</b></p>

**Details of Child/ren concerned:**

<b>Name</b>	<b>D.O.B</b>	<b>Address</b>	<b>Child Local Authority</b>	<b>Is the child known to another Local Authority? If so which/why?</b>	<b>LADO name &amp; Details</b>

**Details of significant professionals involved with child/ren:**

**(i.e.) Social worker, early help, outreach worker, mentor, counselling services**

<b>Name</b>	<b>Designation</b>	<b>Work address</b>	<b>Contact number/email</b>

**Account of Allegation: (Provide as much information possible including accounts obtained if relevant)**

<p><b>Date of allegation:</b></p> <p><b>Where incident occurred:</b></p> <p><b>Summary:</b></p>
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**Action Taken by School/Agency**

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**History of concerns/previous allegations:**

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**Please provide details of significant professionals involved with the adult:**

**(i.e.) Principal, Senior manager, HR advisor**

<b>Name:</b> <b>Designation:</b> <b>Work Address:</b> <b>Contact Number/email:</b>
<b>Name:</b> <b>Designation:</b> <b>Work Address:</b> <b>Contact Number/email:</b>
<b>Name:</b> <b>Designation:</b> <b>Work Address:</b> <b>Contact Number/email:</b>

**Other relevant Information:**

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**Form Completed By:**

**Name:**

**Job Title/Role:**

**School/Agency:**

**Contact details:**

**Date:**

**APPENDIX A**

**Allegations of abuse made against teachers and other staff**

**USEFUL CONTACT DETAILS (add details) L.A:** \_\_\_\_\_

<b>Position</b>	<b>Name</b>	<b>Contact details</b>
Head of Safeguarding	Joycelyn Thompson	65 Kingsway, London WC2B 6TD T: +44 20 3116 7192 M: +44 (0)7958417703 <a href="mailto:Joycelyn.Thompson@arkonline.org">Joycelyn.Thompson@arkonline.org</a>
Head of People Team	Caroline Hawkins	65 Kingsway, London WC2B 6TD T: +44 (0)20 3116 6393 M: 07392 861829 <a href="mailto:Caroline.Hawkins@arkonline.org">Caroline.Hawkins@arkonline.org</a>
Head of Governance	Micky Sandall	65 Kingsway, London WC2B 6TD T: +44 20 3116 0700 <a href="mailto:governance.team@arkonline.org">governance.team@arkonline.org</a>
Head of Communication	Billy Cometti	65 Kingsway, London WC2B 6TD T: +44 (0)20 3116 0754 M: +44 (0)7545328910 <a href="mailto:Billy.Cometti@arkonline.org">Billy.Cometti@arkonline.org</a>
People Business Partner		
LADO		
Principal		
Designated Safeguarding Lead		
Deputy Designated Safeguarding Lead		