MANAGING ALLEGATIONS OF ABUSE POLICY

SHINE Multi Academy Trust

Management log

Document	Managing Allegations of Abuse
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Related Policies
Complaints
Appraisal and Capability Policy
Disciplinary
Child Protection Suite
Equality
General Data Potterton Regulations

All above policies are available through our academies local servers, directly through SHINE or through the Trust website www.shine-mat.com

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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 about 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 HR Director, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@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 Director and external HR Provider and the individual notified of the reasons.

2.4 Allegations that are found to be malicious allegations are likely to results 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, with the support of the HR Director and external 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 Director and external 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.

3.7 If after initial consideration the concerns do not meet the criteria for a referral to the LADO then the school will manage the 'low level' concern in accordance with Trust policies, this may include disciplinary policy, whistleblowing, code of conduct, acceptable use and social media. The Headteacher will be the ultimate decision maker on the most appropriate course of action to be taken. This may be done in collaboration with others, such as the Designated Safeguarding Lead and HR Director. Considerations of any further training or further action will be carried out. Where school is in any doubt as to whether the information meets the 'harm' threshold they will contact the LADO team.

3.8 The term 'low level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- Being over friendly with children
- Having favourites
- Engaging with a child on a one-to-one basis in a secluded area or behind a close door
- Humiliating pupils

Any such concerns about a member of staff, supply staff, volunteer or contractor, including those which do not meet the harm threshold are shared responsibly with the Designated Safeguarding lead and the Headteacher, and recorded and dealt with appropriately under the guidance of the HR Director. Such behaviour can exist on a wide spectrum, from inadvertent or thoughtless, or behaviour that may look to be inappropriate, but may not be in specific circumstances, through to that which is ultimately intended to enable abuse.

3.9 Where supply staff and contractors are employed separately the school will notify the HR Director who will notify their employers. Doing so will ensure that they are dealt with effectively, also protect those working in or on behalf of the school from potential false allegations or misunderstandings. The Designated Safeguarding Lead and/or Headteacher will collect as much evidence as possible by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

3.10 All low level concerns will be recorded in writing (Appendix1), including the details of the concern, the context and actions taken. The name of the individual sharing their concern will also be noted where possible, however leaders must consider anonymity where this

is requested. Such records will be maintained, at least until the individual leaves direct employment to enable records to be reviewed so that potential patterns concerning inappropriate, problematic or concerning behaviour can be identified. Low level concerns should not be included in employer references unless it relates to issues that would normally be included in references such as misconduct or poor performance. However, where a low-level concern (or group of concerns) meets the threshold for a referral to LADO and is found to be substantiated, it should be referred to in an employment reference.

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/HR Director 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 issued. 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. This will be led by the HR Director.

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.

SHINE Multi Academy Trust

Low Level Concern Report Form	
Academy	
Your Details	
Name	
Role	
Date	
Details of individual the concern is about	
Academy	
Name	
Role	

Details of Concern
Please include as much detail as possible. Think about the following: What behaviour and/or incident are you reporting? What exactly happened? Why does the behaviour and/or incident worry you? Why do you believe the behaviour and/or incident is not consistent with our Professional Standards?
Actions Taken
Individuals notified or concerned