



Policy for dealing with Allegations of Abuse against Staff

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1. Introduction

- 1.1 In most instances allegations of abuse against staff will be dealt with at local school level and it is expected that the Headteacher will keep the CEO fully briefed in all such cases. Where an allegation is made against a Headteacher, the CEO will take forward the handling of the allegation. For a member of the Endeavour Head Office team, the CEO or COO will take forward the handling of the allegation. Where the allegation is made against the CEO the Chair of Trustees will take forward the handling of the allegation.
- 1.2 Endeavour MAT is committed to providing the highest level of care for its students. It is extremely important that any allegations of abuse against a teacher, other member of staff, or a volunteer, are dealt with thoroughly and efficiently, maintaining the highest level of protection for the student whilst also giving appropriate support to the person who is the subject of the allegation.
- 1.3 This policy is designed to ensure that all staff, students and parents/carers are aware of the procedure for the investigation of allegations of abuse in order that all such complaints are dealt with consistently, and as efficiently as possible.
- 1.4 It is intended that by having a clear policy in place, students and staff will feel comfortable in voicing their concerns about any member of staff or colleague.
- 1.5 Allegations of abuse against staff members must be reported immediately in line with paragraph 1.1 above.. All allegations will be taken seriously; acted upon immediately; and investigated appropriately.
- 1.6 Where this policy refers to 'working days' this will be deemed to be days when Endeavour MAT's schools are open unless mutually agreed otherwise.

2. Aims

- 2.1 This policy and procedure provide a framework for dealing with allegations of abuse against staff, supply workers and volunteers engaged by the Trust, but may be adapted to each case depending on the specific circumstances.
- 2.2 This policy and procedure will be used alongside and in conjunction with the Trust's Complaints Policy; and Disciplinary Policy and with the school's Child Protection and Safeguarding Policy.

3. Scope

- 3.1 This policy includes the requirements of the DfE as detailed in "Keeping Children Safe in Education" as well as other aspects of good practice. It relates to all staff/supply workers/volunteers working with children and young people, whether in a paid or voluntary position including those who work with children on a temporary basis.

3.2 This policy will be used where it is suspected or alleged that a current member of staff/supply worker/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 may pose a risk of harm to children, or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

3.3 It applies regardless of whether or not the alleged abuse took place on the Trust's premises. Allegations against a member of staff, supply worker or volunteer who is no longer working for the Trust, as well as any historical allegations of abuse, will be referred to the police.

3.4 Allegations of abuse against a member of staff, supply worker or volunteer will be dealt with quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

3.5 It is imperative that allegations against staff, supply workers and volunteers are dealt with as efficiently as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- ensure a fair and thorough investigation for all parties

3.6 To enable this to happen, all staff; supply workers; volunteers; parents/carers; and students should be made aware of the procedures set out in this policy.

4. Reporting an Allegation

4.1 Any allegation of abuse made against a member of staff, a supply worker or a volunteer who visits any of the Trust sites and premises must be reported immediately to the Headteacher. Allegations about the Headteacher should be reported to the CEO; allegations about a member of the Endeavour Head Office team should be reported to the CEO or the COO; allegations about the CEO should be reported to the Chair of Trustees.

4.2 Staff, supply workers and volunteers who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff, supply workers and volunteers must remember that the welfare of the child is paramount and must report their concerns immediately.

- 4.3 In an emergency situation where a child is in imminent danger the Headteacher/CEO/COO/Chair of Trustees will contact the police in the first instance.
- 4.4 In all other situations the Local Authority Designated Officer (LADO) will be contacted immediately by the Headteacher/CEO/Chair of Trustees and a discussion will take place to decide whether:
- no further actions are needed
 - an investigation should take place
 - a strategy discussion should take place
 - there should be immediate involvement of the police or social services.

County LADO Service contact email: kentchildrenslado@kent.gov.uk

- 4.5 The Trust will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made. The LADO will consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social services, the GP and police.

5. Procedure for Handling Allegations

- 5.1 In the event of an allegation of abuse the Headteacher, CEO, COO or Chair of Trustees will become the 'Case Manager' and will take the following steps:
- Immediately discuss the allegation with the police (if a child is in imminent danger) or the LADO if there is no imminent danger for the child. 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, deem it necessary to involve the police first – 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 LADO as soon as practicably possible after having contacted the police.
 - Only inform the accused individual of the concerns or allegations and likely course of action after first speaking to the LADO (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 must only share such information with the individual as has been agreed with those agencies.
 - Where appropriate, carefully consider whether suspension of the individual from contact with children is justified or whether alternative arrangements to suspension can be put in place. Advice on whether to suspend should be sought from Head of HR who will consult with the LADO who will provide the employer with relevant information from the Police or Local Authority Childrens Social care.
 - **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. 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 colleague as a contact together with their contact details.

- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, a record of this decision and the justification for it will be documented and it will be agreed with the LADO 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.
 - **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action i.e. the investigation and/or liaise with the police and/or children's social care services as appropriate.
 - Inform the parents/carers of the child/children involved about the allegation as soon as possible, once the decision to do so has been agreed with the LADO, if the parents/carers do not already know.
 - The Case Manager will also need to inform the parents/carers of the requirement to maintain confidentiality and unwanted publicity about any allegations made against the staff member/supply worker/volunteer (where this applies) while investigations are ongoing. It is an offence under The Education Act 2011 for any person to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a child from the same school.
 - The Case Manager must provide appropriate support for the individual facing the allegation or concern, including appointing a named colleague to keep them informed of the progress of the case and reminding the individual, if they are a member of staff, of how they can access the Employee Assistance Programme advice line which is available to all employees of the Trust. They may also seek support from their Trade Union representative.
 - The Case Manager will keep the parents/carers of the child/children involved informed of the progress of the case and of the outcome where there is not a criminal prosecution, however, no information can be shared regarding the staff member.
 - The Case Manager, with support from the Head of HR, will need to make a referral to the Disclosure and Barring Service (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.
- 5.2 If the Trust is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, the Case Manager should immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency (TRA).
- 5.3 Where the police are involved, the Case Manager should ask the police at the start of the investigation to obtain consent from the individuals and witnesses involved to share their statements and evidence for use as part of the Trust's disciplinary process, should this be required at a later point.

6. Additional Considerations - Supply Staff

6.1 If there are concerns or an allegation is made against someone not directly employed by the Trust, such as supply staff provided through an agency, the Case Manager will take the actions below in addition to the Trust's standard procedures contained in section 5.

- Not pre-judge the outcome of the case by automatically stopping use of the supply worker due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable way forward.
- The Case Manager will discuss with the agency manager (as the 'employer') whether it is appropriate to suspend the supply worker, or to redeploy them within the Trust' to another role while an investigation is carried out.
- The Case Manager will involve the agency fully, but the Trust will take the lead in collecting the necessary information and providing it to the LADO as required
- The Case Manager will address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account (this may be discussed for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)
- The Case Manager with the support of the Head of HR will ensure that the Agencies HR Team are involved in the process and take account of their policies and the duty for the Agency to make a DBS referral as 'the Employer'.

6.2 When using an agency for engaging supply staff, the Trust will always share or make available a copy of this policy if/when asked to do so by the agency.

7. 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

8. Supporting Those Involved – Duty of Care

The welfare of a child is and will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject to the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation.

Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The person(s) making the allegation(s) (and their parents/carers):

- 8.1 Parents/carers will be notified by the Case Manager, or another appropriate senior leader, if their child makes or is involved in an allegation against a staff member, supply worker or volunteer, if they do not already know. However, if the police or social services are to be involved, these agencies will be contacted first and their advice will be sought regarding what information may or may not be disclosed to the parents/carers.
- 8.2 Parents/carers will be kept informed of progress in any investigation only in relation to their child. No information can be shared regarding the staff member.
- 8.3 Parents/carers will be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002

The staff member/supply worker/volunteer

- 8.4 Endeavour MAT has a duty of care to its staff/supply workers/volunteers and will take all reasonable steps to minimise the stress of any allegations and any subsequent disciplinary process. The person who is the subject of the investigation will be informed as soon as practical after an allegation has been made. However, if the police or social services are to be involved, these agencies will be contacted before the staff member/supply worker/volunteer is informed and advice from these agencies will be used to guide the Case Manager as to what information may be disclosed to the person under investigation.
- 8.5 In addition, where the Case Manager is a Headteacher they must inform the CEO, before informing the staff member/supply worker/volunteer. Where the Case Manager is the CEO, he/she must inform the Chair of Trustees before informing the staff member/supply worker/volunteer.
- 8.6 The Case Manager will Inform the individual as soon as possible, explaining the likely course of action, guided by the LADO and Police where necessary.
- 8.7 A named colleague will be appointed by the Case Manager to keep the subject of the allegation informed of the progress of the case and any other work-related issues. If the subject of the allegation has been suspended, they will keep them informed of any developments. If the subject of the allegation is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.
- 8.8 The staff member/supply worker/volunteer should not be prevented from social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the investigation process.

- 8.9 The Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation against a staff member. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. Any breach of confidentiality will be taken seriously and may warrant its own investigation. It is an offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.
- 8.10 The staff member/supply worker/volunteer may need additional support and the Case Manager should consider what might be appropriate to best accommodate this. The employee will be reminded of the Trust's Employee Assistance Programme that is available to all staff and includes a 24-hour helpline and counselling service. If it is a criminal investigation and the police are involved, the police may be able to provide this additional support.

9. Suspensions

- 9.1 The Trust will not suspend a member of staff/supply worker/volunteer without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements can be made so that the individual can continue working, but is removed from contact with the person(s) making the allegation(s).
- 9.2 Based on assessment of risk, the following alternatives should be considered by the Case Manager before suspending a staff member/supply worker/volunteer:
- Redeployment within the Trust so that the individual does not have direct contact with the specific child/children or person concerned;
 - Providing a colleague to be present when the individual has direct contact with children;
 - Redeploying to alternative work so the individual does not have unsupervised access to children;
 - Moving the child or children to classes where they will not come into contact with the staff member/supply worker/volunteer, but this decision should only be made if it is in the best interests of the child/children concerned and if it takes into account their views. It should be made clear that this is not a punishment and parents have been consulted; or
 - Temporarily redeploying the staff member/supply worker/volunteer to another role in a different location.
- 9.3 A suspension may be decided upon if it is deemed that the child/children may be at risk of harm, or if the nature of the case warrants a criminal investigation, or if the allegation is serious enough to potentially result in dismissal from employment, The Case Manager (i.e. Headteacher/CEO/Chair of Trustees) holds the authority to suspend an staff member/supply worker/volunteer but will seek advice from the Head of HR. Where suspension is deemed appropriate, the person being suspended will receive written confirmation within one working day and will be informed of the reason for the suspension.

10. Investigation

10.1 An investigating Officer will be appointed to investigate the allegations and will follow the EMAT Disciplinary Policy, seeking support from HR as needed.

11. Resignations

11.1 If a staff member/supply worker/volunteer hands in their resignation or their contract is due to expire when an allegation is made against them or during any investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. The staff member/supply worker/volunteer will be given full opportunity to answer the allegation. Settlement Agreements will not be used in situations which are relevant to these procedures.

12. Action on Conclusion of the Case

12.1 Where an investigation shows that there is a 'Case to Answer' under the Trusts Disciplinary Policy, a Disciplinary Hearing will be arranged.

The Case Manager should be informed by the Disciplinary Panel of the outcome.

There is a legal requirement for the Case Manager on behalf of the Trust to make a referral to the DBS where they consider an individual:

- has engaged in conduct that harmed (or is likely to harm) a child;
- otherwise poses a risk of harm to a child
- engaged in conduct in relation to children / been cautioned for / been convicted of a relevant offence.

The referral should be made when a decision is made to remove the staff member/supply worker/volunteer from regulated activity (or if they would have removed them if the staff member/supply worker/volunteer had not left). This will usually be made following a dismissal from employment but may also be made if the individual resigns from employment or leaves for another reason.

The Case Manager must also consider whether to make a referral to the TRA where the staff member/supply worker/volunteer is a teacher.

12.2 If it is decided that a member of staff member/supply worker/volunteer may return to work (after a suspension) then provisions will be put in place by the Case Manager to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of a member of staff as a supportive colleague in the short term.

12.3 If the student/students who made the allegation is/are still at a Trust school, the Headteacher/CEO/COO will consider what needs to be done to manage the future contact between staff member/supply worker/volunteer and the student(s).

13. Action in the Case of False Allegations Made by a Student

13.1 Where an allegation is proven to be false, the Headteacher may refer the student(s) who made the allegation to social services to determine whether they are in need of special care, or to help to explore if (for example) they are being abused themselves elsewhere. If an allegation is found to be intentionally factious or malicious, the Headteacher, or CEO if the allegation was against the Headteacher, will decide what the proper sanction will be for the student(s) who made the false allegation.

13.2 The Headteacher may choose to involve the Local Governing Body when considering what action to take against a student who is found to have made a false allegation.

13.3 The Headteacher has the power to suspend or permanently exclude students who are found to have made false claims, or may refer the case to the police if the school thinks a criminal offence has been committed.

13.4 If a false claim has been made by a person who is not a current student, the school will hand the information over to the police who may take further action against that person.

14. Unsubstantiated or malicious allegations made by an adult

14.1 If an allegation is shown to be deliberately invented, or malicious, the Case Manager will consider whether any disciplinary action is appropriate against the staff member/supply worker/volunteer who made it, or whether the police should be asked to consider whether criminal action against those who made the allegation might be appropriate

15. Timescales

15.1 It is the Trust's stated intention that:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 working week
- If the nature of an allegation does not require formal disciplinary action, steps will be taken to inform the individual and to take appropriate action within 3 working days
- If a disciplinary hearing is required on completion of the investigation, the Trust will write to the staff member/supply worker/volunteer giving them a minimum of 5 working days notice of the Hearing in accordance with the Disciplinary Policy

16. Specific Actions

Action following a criminal investigation or prosecution.

16.1 The Case Manager will discuss with the LADO 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.

Conclusion of a case where the allegation is substantiated

16.2 If the allegation is substantiated and the individual is dismissed or if the Trust ceases to use the services of the supply worker/volunteer, or if the individual resigns or otherwise ceases to provide their services, the Case Manager will discuss with the LADO whether to make a referral to the DBS / TRA).

16.3 If the Case Manager thinks that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

16.4 If the individual concerned is a member of the teaching profession, the Case Manager will discuss with the LADO whether to refer the matter to the TRA for the agency to consider whether to prohibit the teacher from teaching.

Individuals returning to work after suspension

16.5 If it is decided on the conclusion of an investigation process that an individual who has been suspended can return to work, the Case Manager must consider how best to facilitate this and communicate the plan to the relevant stakeholders. The Case Manager will also need to consider how best to manage the individual's contact with the student/students who made the allegation, if they are still attending a Trust school.

17. Confidentiality

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

17.2 The Case Manager will seek advice from the LADO the 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 the 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

18. Record-keeping

18.1 The Case Manager will maintain clear records about every case where there is an allegation of abuse against a staff member/supply worker/volunteer and store them securely and confidentially 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) a copy provided to the person concerned, where agreed by local authority children's social care or the police, and
- a declaration on whether the information will be referred to in any future reference.

18.2 The records for any allegation that was found to be malicious will be deleted from the alleged individual's personnel file.

18.3 The records for any substantiated, unsubstantiated or unfounded allegation will be retained at least until the individual staff member/supply worker/volunteer has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

18.4 However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the person who was the subject of the allegation. All such records will be retained at least until the individual staff member/supply worker/volunteer has reached normal pension age, or for 10 years from the date of the allegation if that is longer

18.5 A copy of the allegation summary must also be provided to the person concerned.

19. Employment References

19.1 When providing employer references, the nominated referee from the Trust must not refer in the employer reference to any allegation that has subsequently been proven to be false, unsubstantiated or malicious, or to any history of allegations where the allegations were proven to be false, unsubstantiated or malicious.

20. Learning Lessons

19.1 No matter what the outcome is of an allegation of abuse against an individual staff member/supply worker/volunteer, the Case Manager will review the case to see if there are any improvements that can be made to practice or policy that may help to prevent similar cases in the future.

- 19.2 At the conclusion of a case where the allegations are **substantiated**, the Case Manager will review the circumstances of the case with the LADO to determine whether there are any improvements that can be made to the Trust's or School's procedures or practices to help prevent similar events in the future.
- 19.3 This will include consideration of the appropriateness of any decision that was taken to suspend the individual facing an allegation of abuse, and whether future investigations of a similar nature could be carried out without the need to suspend the individual from work.
- 19.4 Where the allegations are not substantiated the Case Manager will review the circumstance of the case and consider if any changes or improvements to practice or policy may be required.

21. Whistleblowing

- 21.1 The Trust's Whistleblowing Policy is available for staff to use to raise concerns or allegations against their colleagues in confidence and to enable sensitive enquiry to take place.

22. Policy Monitoring and Review

- 21.1 The Trust will review this policy every 2 years, or more frequently in light of any changes to legislation or statutory guidance that may be announced.
- 21.2 The policy, once agreed by the Board of Trustees, will be made available to staff members via the Staff Portal and will be placed on all Trust websites.