



# **Managing Allegations Against Staff Policy**

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## **Policy Statement**

The care and support of all children and young people is of paramount concern to Take 1 Studios. The Trust takes the day to day care of its pupils and staff very seriously. Take 1 recognises that for large parts of pupil's early life, teachers and support staff play a key and critical role in influencing and shaping their life, academically, socially and morally.

Take 1 takes allegations of any kind against members of staff very seriously and this policy outlines the steps which should be taken when such allegations arise in relation to pupil welfare and safeguarding.

All staff, children and young people and their parents/carers will be made aware of this policy and it will be available on the Organisations websites for public access.

This Policy affirms that any allegations should be dealt with robustly, without prejudice and with the co-operation of external agencies where appropriate and necessary. This Policy should be read alongside:

- Take 1 Studios 'Safeguarding Practice Guidance Document'
- 'Keeping Children Safe in Education 2020';
- LSCB policies on managing allegations against staff;
- the Children Act 1989 and 2004
- the Education Act 2002

This document follows statutory guidance from the Department for Education when carrying out duties relating to handling allegations of abuse against teachers and other staff.

## **Responsibilities**

Every staff member has a statutory responsibility to report all allegations of child abuse and to alert the Designated Safeguarding Lead or in their absence the Head Teacher if they suspect that child abuse may have occurred. Failure to report a child protection concern could result in disciplinary action.

The Education Lead and Directors are responsible for ensuring that employees are aware of their right to report any allegation or concerns of a child protection nature. The failure to report may a) put a child at risk or b) imply a breach of the employee's contractual duty.

## **Allegations against Staff**

This policy should be followed in all cases where concerns are identified in relation to a member of staff that could lead to or has resulted in a potential safeguarding issue.

Concerns can take many forms, including:

- a concern about staff behaviour and attitude which is not conducive to the best care of children and young people;
- a lack of professionalism, especially staff speaking negatively about any part or functioning of the organisation;
- competency and ability; and failure to follow **the Trust's** agreed policy and practice.

These types of concern should be dealt with internally within existing HR policy and practice and existing performance management procedures.

There are criteria within national and local guidance that indicate when concerns must be discussed with outside agencies, especially the Local Authority Designated Officer (LADO). This is a statutory role which gives advice, support and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people and, if appropriate, vulnerable adults.

Under **the Trust's** Safeguarding Practice Guidance, the following must be discussed with the LADO where staff or volunteers 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.

**Trust** procedures should not be confused with statutory investigations carried out by Social Services or the Police. Internal investigations should only be carried out once the LADO and Police have concluded their involvement.

Appendix 1 summarises the procedure for managing allegations that involve the LADO.

Appendix 2 sets out the key responsibilities of the LADO.

The Board of Directors must be notified of any such concerns and it will ensure that support is offered to all relevant parties, including the person against whom the allegation has been made.

It is acknowledged that concerns about members of staff will come from a variety of sources, sometimes other than from the person who may be the victim of any concerns. It is essential that all staff understand that no matter whether they are directly or indirectly affected by any concerns, they should be passed on.

### **Dealing with Allegations against Staff (See also Safeguarding Practice Guidance Document)**

#### **Investigations**

There are three types of investigation:

1. By Social Services and the Police
2. By the Police under criminal law
3. By Take 1 Studios in line with staff disciplinary procedures.

If an allegation is made against a member of staff the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

In cases where concerns must be discussed with the LADO, the Organisation/Board should not initiate an internal investigation into an allegation against a member of staff until consultation has taken place with the LADO.

All allegations or concerns must be immediately reported to the DSP or, in their absence, the

Education Lead. If the concern is about either of these people, the Education Lead or Executive Director should be notified.

When a complaint of abuse is made against a member of staff there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection.

A decision will need to be made quickly as to the appropriate 'Case Manager' as defined by the 'Keeping Children Safe in Education 2014' document. The Education Lead in consultation with the Board will determine the 'Case Manager'. For cases involving staff in the Central Team, the Executive Director will determine the 'Case Manager'. That person will be responsible for:

- contacting the LADO for appropriate information sharing and discussion;
- recording decisions (including the rationale behind them);
- informing all parties, if no further action;
- if any further action of any kind is needed, deciding with the LADO the next steps;
- discussing options for the person against whom the allegations are made with the Principal/Executive Principal;
- attending any appropriate strategy meeting if and when called.

The discussions with the LADO will help the Case Manager to know the best options to deal with the allegations. If the matter is to be dealt with internally within Take 1 or setting, the Education Lead will, with the necessary support from the Executive Director and DSP, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

If the LADO feels that the matter needs a formal investigation external to Take 1 Studios or the Trust this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

Agreement must be reached with HR (and the LADO/Police if appropriate) as to how information is shared and maintained with the member of staff throughout the investigative process. This should include agreement as to how:

- the member of staff will be kept updated about the progress of the investigation;
- support and counselling will be offered;
- links will be maintained with Take 1 so that the staff member is kept informed of other internal matters.

The Executive Director will keep a record of all agreed action and the strategies used including the rationale behind them throughout the investigation process.

### Considering Suspension

**Suspension is a neutral act, which can protect the interests of both parties and is not a presumption of guilt.**

In response to an allegation staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the Organisation/Board and the individual notified of

the reasons. The decision to suspend will be taken in accordance with Take 1's Disciplinary Procedure.

When considering suspension the following factors should be considered:

- the nature of the allegation
- assessment of the presenting risk
- the context in which the allegation occurred
- the individual's contact with children
- any other relevant information
- the power to suspend
- alternatives to suspension.

Suspension should only be applied if one or more of the following grounds apply:

- a child or children would be at risk
- the allegation is so serious that summary dismissal for gross misconduct is possible
- it is necessary to allow any investigation to continue unimpeded.

Any member of staff subject to an allegation should be encouraged to seek advice and support from their **union** at the earliest opportunity. Support should also be offered on the staff member's return to work. Suspension of a staff member should be for as short a time as possible and must be treated with sensitivity.

### **Support and Confidentiality**

It is acknowledged that for any individual subject to allegations, support and impartiality is essential. It is also of the utmost importance that any potential victims will need to feel heard, supported and respected for coming forward.

Children and young people who are the alleged victim should have a key member of staff assigned to them to keep them informed of events and to be available to them during this process. If more than one child or young person is involved, consideration will be given to any additional resources needed.

For anyone against whom the allegation is made, they too will receive support, without prejudice, including advice and information on the process.

The information about allegations made will be kept strictly on a need-to-know basis. The DSP will take advice from the LADO and the Executive Director on how to manage the process of sharing information and to whom, for example parents, carers and the media.

### **Parents/Carers**

Parents/carers should be informed and involved in any process involving their child. Managing what and how to tell parents/carers and Take 1 Studios in general is a difficult but necessary aspect of managing allegations and the LADO will be asked for advice as necessary. The decision about what information should be shared will be made by the Education Lead after taking advice from the SLT and Board.

Appropriate staff will make themselves available to parents/carers when required to minimise further difficulties in them receiving information and re-assurances of action.

### **Managing Outcomes of the Allegations**

When the above steps have been completed the following issues must be considered:

- does the DBS need to be informed of the allegations?
- have all matters been recorded and stored appropriately and confidentially?
- have all outstanding actions been finalised with absolute clarity as to what has happened and what is to happen?
- are there any rumours, suspicions or gossip which might be circulating and need to be addressed without delay with appropriate information?
- have the lessons from the situation been recorded, shared and disseminated through training and appropriate meetings?
- is there absolute clarity about how the child or young person is coping and have they had adequate feedback and explanations about the concerns.

Decisions on these issues will be taken by the Education Lead in consultation with the SLT and Board of Directors.

### **Follow up by the LADO**

The LADO has a responsibility to follow up and monitor the on-going outcomes of any allegations referred to it. Whether formal strategy meeting plans have been drawn up or internal action has been taken, the LADO will wish to ensure that actions have been implemented and no further risk exists.

### **The Child's Voice**

If it is a child who has raised concerns, it will be extremely important that the concern is taken seriously and passed on. Many children and young people will not wish to see anyone get into trouble or lose their jobs and so supporting the child without prejudice will be very important.

Learning from national enquiries indicates the importance of giving children time, attention and respect and assuring them that they have done the right thing to come forward.

From time to time it may be felt that information is not accurate and may even be malicious. It remains important not to make judgements but to pass on the concerns along with your own views through the agreed referral process set out in the Trust's Safeguarding Practice

Guidance document.

### **Disciplinary Investigation**

The disciplinary procedures should not interfere with any child protection investigation. Once child protection investigations have been completed, the Education Lead or DSP, in conjunction with HR, should decide whether to investigate under the staff disciplinary procedures.

If it is considered the Education Lead could jeopardise a fair hearing then a nominated representative

may be appointed to conduct the investigation.

If the decision is taken to proceed with a disciplinary investigation, the employee should be informed, in writing, as required under the disciplinary procedure. A meeting should take place to confirm this with the employee and, if applicable, their union representative.

If the decision is taken not to proceed with a disciplinary investigation, the employee should be informed, usually in the form of a meeting, with their union representative if applicable, explaining the circumstances of the decision.

### **Retention of Records**

Allegations that are found to have been malicious should be removed from individual personnel records and any that are not substantiated, are unfounded or malicious should not be referred to in employer references.

If allegations are upheld, a record will also be retained on the individual's personnel file in HR.

The employee and their representative will be informed that such records exist and that they have the right to seek disclosure within the parameters of the **Data Protection Act** by putting their request in writing.

Where an allegation is upheld, a copy of the statement or record should be kept on the section of a pupil's child protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure and therefore no assurances can be given on confidentiality.

### **Maintaining this Policy and Procedure**

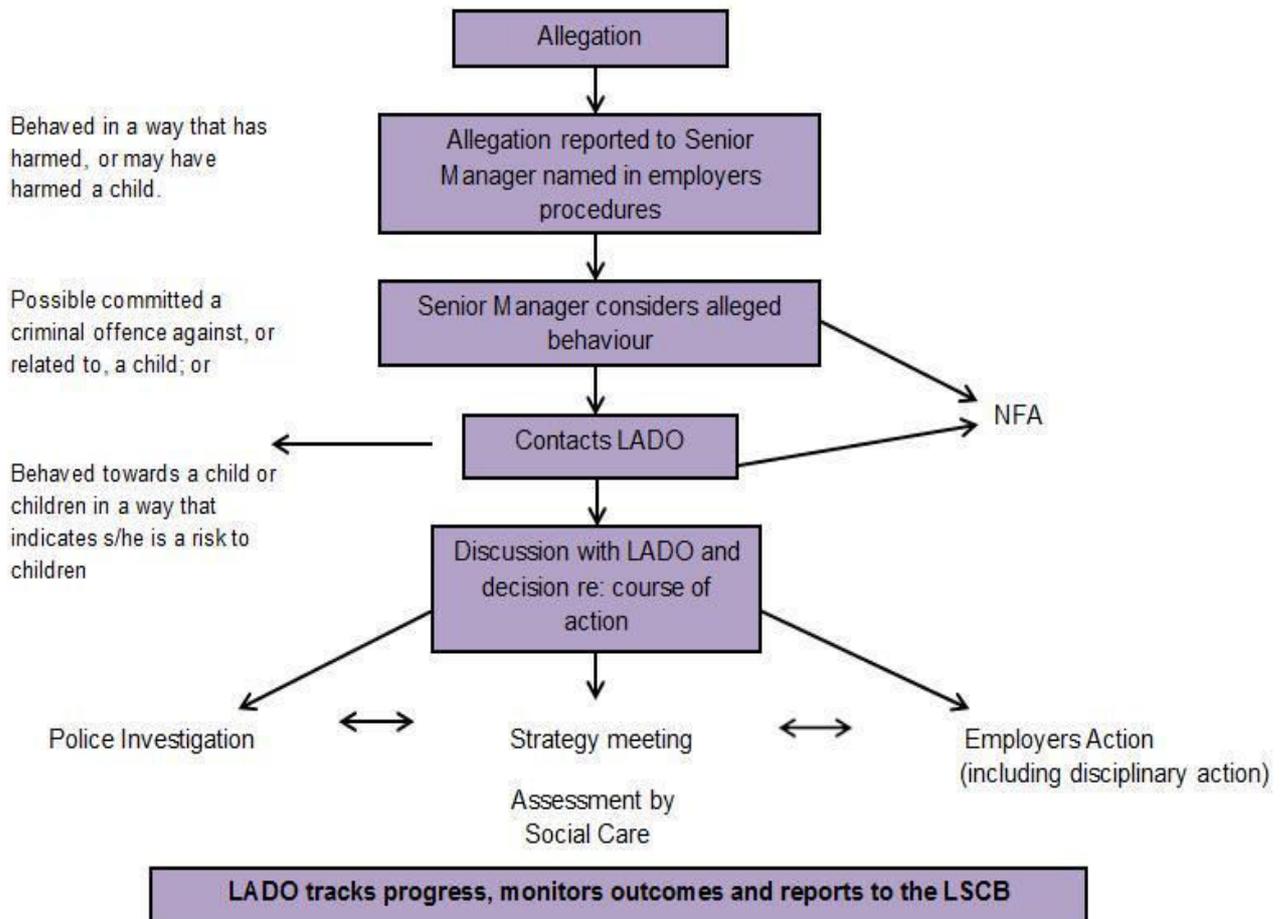
This policy and procedure will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable guidelines.

### **Malicious Allegations**

Where the Board/Organisation considers pupils have made malicious allegations, they are likely to have breached Take 1 Studios' behaviour policies. Take 1 Studios should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion.

Any allegations made by staff which the Board/Organisation considers to be malicious may be deemed to have breached Trust staff policies and could lead disciplinary action being taken against the member of staff.

## Summary of Procedure for Managing Allegations, involving the LADO



## The Role of the Local Authority Designated Officer (LADO)

### **Key Responsibilities:**

- Management and overview of individual cases from all partner agencies
- Providing advice, information and guidance to Senior Managers
- Monitoring the progress of cases to ensure cases are dealt with within set timescales
- Ensuring a consistent and thorough process for all adults against whom allegations are made
- Responsibility for maintaining information databases in relation to all allegations and producing qualitative and quantitative reports for LSCBs and the DfE
- Attendance at or chairing strategy meetings and liaising with Chairs of strategy meetings (if not chairing)
- Contributing to LSCB training programmes and awareness raising across Children's workforce