



HCAT Allegations of Abuse Against Staff

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Contents

HCAT Allegations of Abuse Against Staff	2
1. Introduction	2
2. Scope	2
3. Principles	2
4. Procedure – Reporting an Allegation	3
5. Investigation	3
6. Allegations that may meet the harm threshold	3
7. Supporting those involved	4
8. Confidentiality	4
9. Suspensions	4
10. Resignations	5
11. Record Keeping	5
12. Action on conclusion of the case	5
13. Action in the case of false or malicious allegations	5
14. After the case	6
15. Monitoring and Review	6

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HCAT Allegations of Abuse Against Staff

1. Introduction

- 1.1. This policy has been developed in consultation with Trade Unions and Professional Associations who are recognised by HCAT.
- 1.2. The purpose of this policy is to ensure that all staff, pupils and parents or carers are aware of the procedure for the investigation of allegations of abuse, in order that all complaints are dealt with consistently and as efficiently as possible, maintaining the highest level of protection for the child, whilst also giving support to the person who is the subject of the allegation.
- 1.3. HCAT is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. We believe that all those who come into contact with children and families in their everyday work, including those who do not have a specific role in relation to safeguarding children, all have a duty to safeguard and promote the welfare of children.
- 1.4. Where relevant, the Trust's **Whistleblowing Policy** and the **Disciplinary Policy** may be referred to.

2. Scope

- 2.1. This policy applies to all employees of HCAT (the Trust) including those employed by Academies within the Trust. It also includes supply teachers, volunteers and contractors.
- 2.2. Where the allegation refers to someone who is on supply, or a contractor, and is of a safeguarding nature, in no circumstances should it be decided to cease using the colleague concerned without first finding the facts, liaising with the LADO and the agency/contractor responsible for the colleague. This will ensure the agency/contractor is able to carry out their own relevant procedures with as much information as possible

3. Principles

- 3.1. If there is an immediate risk of harm to a child or if the situation is an emergency the police and/or children's social care should be contacted immediately.
- 3.2. The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy will be followed when dealing with allegations but may be adapted to each case.
- 3.3. This policy will be used alongside the Trust's Complaints Policy, Safeguarding and Child Protection Policy, the Trust's Disciplinary Policy and the DfE's statutory guidance contained in Keeping Children Safe in Education.
- 3.4. Allegations against staff will be dealt with as quickly as possible to:
 - minimise the risk to the child
 - minimise the impact on the child's academic progress
 - minimise stress to the employee concerned
 - ensure a fair and thorough investigation for all parties.
- 3.5. Having an awareness of and using this policy should help pupils to feel comfortable to voice concerns about any member of staff.

- 3.6 All allegations will be taken seriously and investigated immediately.

4. Procedure – Reporting an Allegation

- 4.1 Allegations will be reported to the Executive Principal/Head of School/Headteacher immediately or to the Chair of Governors and CEO where the Executive Principal/Head of School/Headteacher is the subject of an allegation.
- 4.2 Staff who are concerned about the conduct of a colleague towards a pupil must remember that the welfare of the child is paramount and that they **must** report their concerns immediately. Contact should be made directly with the Designated Safeguarding Lead, and should not be via CPOMS.
- 4.3 School premises may at times be used for community activities involving children and therefore may receive an allegation in relation to an external organisation. As with any safeguarding allegation, safeguarding procedures should be followed, including liaison with the LADO, as soon as is reasonably practicable.
- 4.4 Where an allegation is made against a Governor, safeguarding procedures should be followed, including liaison with the Trusts Governance and Compliance Officer.

5. Investigation

- 5.1 An initial investigation should be undertaken to establish the facts to assist in determining whether there is any foundation to the allegation (s), being careful not to jeopardise any future police investigation and to preserve any relevant evidence (e.g. CCTV footage/ICT equipment). Please make reference to the **Trusts Disciplinary Policy** for further, more detailed, information.
- 5.2 Depending on the nature of the allegation, an investigation into the allegation is normally carried out by children's social care, the police or by a senior member of the school staff as appropriate. This will be agreed at the initial evaluation stage. Where the school is not conducting the investigation, it will cooperate fully with investigative agencies.
- 5.3 Any internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

6. Allegations that may meet the harm threshold

- 6.1 Where it is believed that an employee, supply teacher, volunteer or contractor has:
- behaved in a way that has harmed a child, or may have harmed a child and/or;
 - possibly committed a criminal offence against or related to a child and/or
 - behaved towards a child or children in a way that indicates that they may pose a risk of harm to children; and/or
 - behaved or may have behaved in a way that indicates they may not be suitable to work with children. (NB this includes behaviour that may have happened outside of work).

The Designated Safeguarding Lead will be informed (if it is not the DSL who is dealing with the allegation in the first instance). They will contact the Local Authority Designated Officer (LADO) immediately and a discussion will take place to decide whether:

- no further actions are needed; or
- a multi-agency strategy meeting should take place; or
- there should be immediate involvement of the police and/or social care.

7. Supporting those involved

- 7.1 Parents and carers will be notified if their child makes, or is involved in, an allegation made against a member of staff.
- 7.2 If the police and/or children's social care are to be involved, they will be contacted before parents. The police/children's social care will advise as to what information may or may not be disclosed and will provide the school with advice on what type of additional support the child may need.
- 7.3 Parents and carers will be made aware of any progress in the investigation where possible but only in relation to their child, not the member of staff, and where there is no criminal prosecution, the outcome will be explained to them.
- 7.4 Where the matter is, or becomes, an internal disciplinary matter, in accordance with GDPR regulations, proceedings and outcomes must remain confidential, and parents should be advised of this from the outset.
- 7.5 The person who is the subject of the investigation will be informed of the nature of the allegation and will be advised on what the next course of action will be at the earliest opportunity. However, if the police or children's social care are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.
- 7.6 The employee will be informed of the progress of the case and any other work-related issues either by the police and/or children's social care, or through the Disciplinary Procedure.
- 7.7 The employee may need additional support and the school will consider what might be appropriate to best accommodate this, this could be a referral to Occupational Health or counselling. If it is a criminal investigation and the police are involved, they may provide this additional support. Care must be taken not to prejudice any investigation in any way.
- 7.8 Where there is concern about the welfare of other children in the community or the member of staff's family, a risk assessment should be made of the situation and if social care are not involved at this stage, it may be necessary to reconsider referral if necessary.

8. Confidentiality

- 8.1 The school will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.
- 8.2 Information regarding the allegation made against a member of staff should not be placed on any online school safeguarding system, for example CPOMS, as such systems are accessible by some, if not all staff at a school.
- 8.3 Where reference to the Trusts Disciplinary Policy is deemed necessary and an employee is suspended as a result of an allegation pending further investigation, this matter will remain confidential as per the Disciplinary Procedure.
- 8.2 A breach of confidentiality will be taken seriously and may warrant its own investigation.
- 8.3 It is a criminal offence to publish information that could lead to the identification of an individual who is the subject of an allegation.

9. Suspensions

- 9.1 In accordance with the Trusts Disciplinary Policy, the school will not suspend a member of staff 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 are made so that the individual can continue working.

- 9.2 In the case of suspension, the employee will be suspended in accordance with the Trusts Disciplinary Policy.
- 9.3 In certain cases, the Secretary of State may put in place an Interim Prohibition Order. In such cases, immediate action should be taken (i.e. suspension where appropriate) to ensure the individual does not carry out any work that would be in contravention of the interim Prohibition Order pending the outcome of the Teaching Regulation Agency (TRA) Investigation.

10. Resignations

- 10.1 If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation (s).
- 10.2 Settlement Agreements will not be used in situations where an allegation of a safeguarding nature has been made.

11. Record Keeping

- 11.1 Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.
- 11.2 For all other allegations, records of investigations and outcomes, including the justification for the decision reached, will be kept in the employee's personal file, and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that will be longer, from the date of the allegation.
- 11.3 The following definitions should be used when determining the outcome of allegation investigations: -
- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
 - b. **False:** there is sufficient evidence to disprove the allegation;
 - c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
 - d. **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;
 - e. **Unsubstantiated:** this means that there is insufficient evidence to prove or disprove the allegation.
- 11.4 Where an allegation has been found to be false, unfounded, unsubstantiated, or malicious, this should not be included in any employer references.

12. Action on conclusion of the case

- 12.1 If it is decided that the employee may return to school after a suspension, then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

13. Action in the case of false or malicious allegations

- 13.1 Where an allegation is proved to be false, the school may make a referral to children's social care to determine whether the child is in need of support or has been abused by someone else.

- 13.2 If the claim has been made by a person who is not a pupil, the school will pass the information to the police who may take further action against that person.

14. After the case

- 14.1 No matter what the outcome of an allegation of abuse against staff, the Trust will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future. The outcome of the case will be shared with the LADO where it has become an internal matter. Where disciplinary action has been necessary and the outcome has been dismissal, a referral will be made to the DBS (Disclosure and Barring Service) in the case of support staff or the TRA (Teacher Regulation Agency) in the case of teaching staff for a decision around ongoing employment.

15. Monitoring and Review

- 15.1 The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the following:

- to eliminate discrimination and other conduct that is prohibited by the Act
- to advance equality of opportunity between people who share a protected characteristic and people who do not share it
- to foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

- 15.2 In the development of this policy due regard has been given to achieving these objectives.

- 15.3 This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years, in conjunction with the Trust's recognised trade unions.