



Washwood Heath
Multi Academy Trust

Allegations of Abuse against Staff

Prepared by:	Director of People in consultation with staff and unions
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1. Introduction

- 1.1 Washwood Heath Multi Academy Trust (“WHMAT”) takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any allegation made against a member of staff or volunteer is managed quickly, fairly and effectively.
- 1.2 This policy sets out how WHMAT will manage allegations made against a member of staff or volunteer, including agency staff. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education (KCSIE).
- 1.3 This policy will be followed in all cases when managing such allegations. *Part 4 of (KCSIE)* requires that it is followed in any case where it is suspected or alleged that a member of staff, including agency staff, or a volunteer has:
- 13.1.1 behaved in a way that has harmed a child or may have harmed a child (see our child protection and safeguarding policy at www.whmat.academy policies tab for what we mean by ‘harm’);
 - 13.1.2 possibly committed a criminal offence against or related to a child; or
 - 13.1.3 behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
 - 13.1.4 behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 13.2 This policy may be used alongside our complaints policy, child protection and safeguarding policies, all of which can be accessed at www.whmat.academy policies tab.

2. Reporting an allegation

- 2.1 The safety and welfare of our pupils is of paramount importance and so all staff must report any allegations or concerns immediately, in accordance with Section 9 and Appendix 3 of the Safeguarding and Child Protection Policy (available on policy tab on the WHMAT website and via all WHMAT academies), which all employees and visitors must be aware of.
- 2.2 Allegations made against a member of staff, including agency staff or a volunteer, should be reported to the appropriate manager as defined in the table below, which also outlines to whom concerns should be reported if the appropriate manager is unavailable. However, unavailability to communicate to those identified in the table below must not prevent any concerns being effectively and immediately communicated to an appropriate person.

Subject of Allegation	Report To	If unavailable:
CEO	Chair of Trustees	Vice-chair or another board member
Executive Head of Academy	CEO	Chair of Trustees
Head of Academy	CEO	Executive Head of

		Academy
Core Team Employee	CEO	Executive Head
Any other WHMAT employee, volunteer or agency member of staff	Relevant Head of Academy	CEO/Executive Headteacher

2.3 The appropriate manager will then contact the designated officer at the local authority and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The Academy/Trust Designated Safeguarding Lead may also be involved in this discussion. This discussion may conclude that:

2.3.1 no further action is required; or

2.3.2 more information is required to determine a course of action; or

2.3.3 a strategy discussion should take place; or

2.3.4 police or social care should be involved.

2.4 The appropriate manager will share relevant information with the designated officer about the allegation, the child and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the appropriate Academy manager will always attend that meeting. Representatives from other agencies such as health, social care and the police may also be invited to the meeting.

3 Investigating an allegation

3.1 An investigation into the allegation should normally be undertaken by a senior member of staff within WHMAT, who is suitably trained in investigations. Where no suitable staff are available or the nature or complexity of the allegation requires it, WHMAT may appoint an independent investigator, although the possible impact on timescales should be considered in this instance. Advice should be sought from the People Matters team at peplematters@whmat.academy.

3.2 When determining the outcome of an investigation, Part 4 of *KCSIE* states that the following definitions should be used when determining the outcome of the investigation:

3.3 **Substantiated:** there is sufficient evidence to prove the allegation;

3.4 **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

3.5 **False:** there is sufficient evidence to disprove the allegation;

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

3.7 **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

4 Supporting those involved

4.1 Parents/carers of the child(ren) involved

- 4.1.1 Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, WHMAT will not tell the parents or carers until it has been agreed with those agencies what information can be shared.
- 4.1.2 The Academy will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution, the Academy will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome **in confidence**.

4.2 The member of staff or volunteer

- 4.2.1 WHMAT has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.
- 4.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the designated officer. They will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances, the Academy will work with children's social care and the police to agree what information can be disclosed and when.
- 4.2.3 The appropriate manager (see paragraph 2.2) will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other academy-related matters. They will also consider with support from the People Matters team what other support may be appropriate for the individual. The Academy will advise the individual to contact their trade union representative or a colleague for support. They may also be signposted to WHMAT's EAP and/or to the Education Support Partnership's Counselling Line. WHMAT will respond to any recommendations made as a result of this to support an employee.
- 4.2.4 Where an allegation is made against a member of agency staff, the employment agency should provide the additional support to that member of agency staff and WHMAT will also provide support as appropriate if the agency member of staff resumes work within WHMAT.

5 Suspension

- 5.1 Suspension is not an automatic response to an allegation being made. WHMAT will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm, or the case is so serious that it might be considered gross misconduct. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working (see Section 10 of the Disciplinary Policy at www.whmat.academy and in Disciplinary toolkit available via SharePoint).
- 5.2 It is WHMAT that makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, WHMAT will listen to their views regarding suspension but will discuss this with a member of the People team.

- 5.3 WHMAT has no authority or power to suspend a member of agency staff where an allegation is made against them. In a case where suspension would have been applied with a WHMAT staff member, WHMAT will promptly liaise with the agency and cease to use the services of that member of agency staff while the allegation is investigated.
- 5.4 Where the member of staff is suspended, they will receive written confirmation in line with WHMAT's Disciplinary Policy, see www.whmat.academy policies tab.
- 5.5 After the suspension, if it is decided that the employee can return to their base academy/core team, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a source of support.

6 Resignation

- 6.1 If the individual resigns prior to an internal investigation being completed, WHMAT will still carry out a basic investigation in line with its Disciplinary Policy. The individual will be given the opportunity to engage with the investigation and any necessary referrals will be made in line with KCSIE.

7 Action on conclusion of the case

- 7.1 If the allegation is substantiated and:
- 7.1.1 the employee is dismissed or resigns; or
 - 7.1.2 we cease to use the agency staff member's services as a result of the allegation; or
 - 7.1.3 we cease to use the volunteer's services as a result of the allegation; WHMAT will consider whether a referral to the Disclosure and Barring Service (DBS) and/or to the Teachers' Regulation Agency (TRA) is required.
- 7.2 Where an allegation is found to be false, WHMAT may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made. The Academy's behaviour policy sets out the action that may be taken against pupils who are found to have made malicious allegations against staff or volunteers (see individual academy websites for further details).
- 7.3 Where an allegation is made against a member of agency staff, the outcome of the investigation will be shared with the supply agency and the LADO.

8 Post incident review

- 8.1 It is good safeguarding practice for WHMAT academies to review incidents upon their conclusion so they can learn from them and continue to improve safeguarding within WHMAT. Where allegations are made against staff, including agency staff or volunteers, the Academy may carry out a review at the conclusion of the case with support from appropriate WHMAT Officers as relevant.

9 Timescales

- 9.1 Investigations into allegations against staff, including agency staff or volunteers or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible.

10 Record keeping

- 10.1 Allegations found to be malicious will be removed from the employment record of the individual. For all other allegations, a clear and comprehensive summary of the allegation, how it was followed up and resolved and a note of actions taken and decisions reached will be retained on the employment file. A copy will also be provided to the individual.
- 10.2 Details of any allegation made by a pupil will be kept in the confidential section of their CPOMs record.

11 Confidentiality

- 11.1 WHMAT will make every effort to maintain confidentiality and to guard against unwanted publicity whilst an allegation is being investigated.
- 11.2 The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

12 Data Protection

- 12.1.1 WHMAT will do all that it reasonably can to deal with these matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter, save for disclosure to their chosen workplace colleague or trade union representative.
- 12.1.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this Policy without the agreement of affected relevant parties.
- 12.1.3 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential e.g. because they are a pupil. In such a situation, this will be explained to the employee.
- 12.1.4 During the stages of the procedure, WHMAT will collect, process and store personal data in accordance with our Data Protection Policy, see www.whmat.academy, policies tab. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the processes referred to in this policy. Records will be kept in accordance with our Workforce Privacy Notice, our Retention Policy and in line with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the

UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

13 Policy Review

- 13.1 This Policy will be reviewed every 24 months by the People Matters team in consultation with recognised unions and WHMAT's Safeguarding lead to ensure that it is operating effectively and reflects the latest statutory guidance.