



Windsor Academy Trust

Allegations of Abuse against Staff Policy

Responsible Committee:	Windsor Academy Trust, Board of Directors
Date revised by Board of Directors:	24 September 2020
Implementation Date:	1 September 2020
Next review date:	September 2022

1. Principles

- 1.1. Windsor Academy Trust (WAT) takes its responsibility of care for its students and staff seriously. WAT recognises that any possibility that a member of staff may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children and at the same time deals fairly with the person who is the subject of the allegation.
- 1.2. The DfE Statutory Guidance for managing cases of allegations is set out in “Keeping Children Safe in Education Part four: Allegations of abuse made against teachers and other staff, including supply staff and volunteers” and provides the framework for this policy.
- 1.3. This policy applies to all employees at WAT. For the purposes of the policy a ‘staff member’ is a person whose work brings them into contact with children in an education setting. It applies to all staff, paid or working in a voluntary capacity (including supply teachers) on or off WAT premises and sites or carrying out any activity on behalf of WAT.

1.4. Definitions:

Chief Executive means the Chief Executive (CEO) of WAT.

Headteacher refers to all or any of the Headteachers at all or any of the academies within WAT.

Local Advisory Body (LAB) is a key mechanism for local accountability for each academy.

Case Manager will manage the allegations/concerns raised and will be the Headteacher (or nominated member of SLT), a member of the Executive Team or the Chair of the Trust Board as appropriate

Designated Officer (DO) is the Designated Officer for Managing Allegations within the academy’s Local Authority.

2. Important Contacts

Role	Name	Contact Details
Designated Safeguarding Lead (DSL)	Sharon Middleton	01922 710182
Deputy DSL	Sally Taylor-Janes	01922 710182
CEO	Keith Sorrell	0121 602 7594
Chair of LAB	Helen Kinsey	01922 710182

3. Aims

- 3.1. This policy sets out the procedure to be taken in respect of all cases where it is alleged that a member of staff has:
 - 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;

- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This will include allegations involving any type of abuse or neglect, including inappropriate relationships with students, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

- 3.2. Where required, child/adult protection and criminal investigation procedures will take precedence over this policy. In exceptional circumstances, it may be possible for a statutory investigation and a WAT internal investigation to run concurrently.
- 3.3. Any investigation undertaken as part of this policy may be used in other proceedings under other WAT policies as deemed appropriate.

4. Responsibilities

4.1. Trust Board will:

- monitor and review this policy. They will ensure safeguarding and child protection training is available to all staff and delegate to the CEO and Headteacher the necessary discretion to manage cases of allegations against staff.
- appoint a designated Director for Safeguarding to monitor the effectiveness of this policy in conjunction with the Trust Board.
- ensure that all allegations are dealt with in a fair and consistent way that provides effective protection and support for the child and the member of staff who is subject of the allegation. The Chair of the Trust Board will manage any allegations against the Chief Executive Officer (CEO) and assume the role of case manager. The CEO (or nominated member of the Executive Team) will manage any allegations against the Headteacher and assume the role of case manager.

4.2. Headteacher:

- will appoint an appropriate senior member of staff to the roles of Designated Safeguarding Lead (DSL) and Deputy DSL
- is responsible for the immediate notification of the allegation to the Designated Officer and will assume the role of the case manager.
- will ensure that the reporting procedure for raising concerns and the contact details of key personnel are clearly displayed within the academy and communicated to all staff (including temporary and supply staff) and volunteers as part of their induction.
- will ensure that all staff undertake appropriate safeguarding and child protection training and ensure this training is updated regularly.

4.3. Designated Safeguarding Lead (DSL):

- is responsible for raising awareness through providing advice and support to staff on child welfare and protection issues. They are to ensure that all staff and students are aware of the procedures for reporting concerns and are aware and understand the contents of this policy.
- will refer cases of suspected abuse to the local authority children's social care, where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service (DBS) or where a crime may have been committed to the Police.

- will work with the case manager, Designated Officer and take part in strategy discussions and inter agency meetings as required.
- will have a responsibility to be familiar with the Statutory Guidance in its entirety.

4.4 All Staff (including supply staff and volunteers) will read and understand Part one and Annex A of the Department for Education's statutory safeguarding guidance, Keeping Children Safe in Education, and review this guidance at least annually. All members of the senior management team have a responsibility to be familiar with the Statutory Guidance in its entirety.

5. Initial allegation

- 5.1. Everyone who comes into contact with children and their families has a role to play in safeguarding children. If anyone has a concern that a person (as described in paragraph 3.1) may have behaved inappropriately or they receive information that may constitute an allegation they must report the facts to the case manager, (usually the Headteacher) as soon as possible. They should not withhold information however trivial it may seem and should not leave school without discussing their concerns with someone.
- 5.2. Should the allegation be made against the Headteacher, this should be brought to the attention of the CEO (or member of the Executive Team) immediately in their role as case manager. The CEO (or member of the Executive Team) will inform the Chair of the LAB and will liaise with the Designated Officer.
- 5.3. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation must report it to the case manager or, if that is not possible they must pass details of the allegation to the case manager immediately themselves.
- 5.4. In the absence of the case manager, staff must report the matter to the most senior person available who will carry out the case manager's duties in his/her absence. They should make a signed and dated written record of their concerns, observations or the information they have received and give it to the case manager straight away.
- 5.5. Allegations of abuse against a member of staff, supply staff or volunteer who is no longer working for WAT will be referred to the police.
- 5.6. **STAFF MUST NOT:**
- Attempt to deal with the situation themselves.
 - Make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents.
 - Keep the information to themselves or promise confidentiality to staff/pupils involved.
 - Take any action that might undermine any investigation or disciplinary procedure such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents/carers.
- 5.7. Allegations which arise from external agencies (i.e. the Police) via the Designated Officer will follow the procedure detailed in this policy.

6. Initial consideration

- 6.1. The case manager will immediately discuss the allegation with the Designated Officer, including allegations raised against an individual that is not directly employed by WAT (i.e.

supply staff through an employment agency). The purpose of the initial discussion is to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer may ask the case manager to provide or obtain relevant additional information.

- 6.2. The initial discussion and information sharing will also consider whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is deemed to be false, no further action will be taken, the decision and justification for it will be recorded by the case manager. Consideration will be given as to any further action to be taken by the case manager i.e. informal action/advice, re-training.
- 6.3. If the allegation is not patently false, the case manager will liaise with the Designated Officer to agree a suitable course of action. A strategy discussion/s with the police and/or children's social services and/or employment agency may be convened. These meetings will be attended by the case manager and Head of HR.

7. Action following initial consideration

- 7.1. Where the initial consideration decides that an investigation by the police or children's social services is unnecessary, it will be for the case manager to determine a suitable course of action. In such cases, if the nature of the allegation does not require formal disciplinary action, the case manager should institute appropriate action (i.e. informal action/advice, re-training) within three working days of this decision.
- 7.2. Where the initial consideration determines that the allegations require investigation by the police or children's social services, the case manager will liaise with the Designated Officer and these agencies to understand their requirements and agree how the investigation will be managed in relation to any internal investigation required.
- 7.3. Where further internal investigation is required, the case manager will initiate an investigation in accordance with the Disciplinary Policy (available from the school office/HR). If after investigation, formal disciplinary action is required, it will be taken in accordance with the Disciplinary Policy.

8. Suspension

- 8.1. Suspension will not be an automatic response to the reporting of allegations. The case manager will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on the assessment of risk the following alternatives will be considered:
 - Redeployment within the academy or across the Trust to remove direct contact with the child(ren) concerned;
 - Providing a work colleague to be present when the member of staff has contact with children;
 - Redeployment to alternative work within the academy or across the Trust which does not require unsupervised access to children
- 8.2. Suspension will only be considered where there is cause to suspect a child or other children at the academy or Trust is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. Advice can be sought from the Head of HR and Designated Officer.

- 8.3. If immediate suspension is considered necessary, the rationale and justification will be recorded by the case manager. The member of staff will be informed at the point of their suspension of their named point of contact within WAT and be provided with their contact details. Written confirmation of the suspension (on full pay) will be provided to the member of staff as soon as practicably possible, but no later than five school days.
- 8.4. Where an individual is employed through an employment agency, the case manager will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the academy, whilst they carry out their investigation.

9. Supporting those involved

9.1. Staff (including supply staff and volunteers)

The Trust has a duty of care to our employees and will endeavour to manage and minimise the stress inherent in the allegations process.

After speaking with the Designated Officer, individuals will 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 Designated Officer, children's social care services or the police.

The individual will be advised to contact their trade union representative, if they have one, or a work colleague for support.

The case manager will appoint a named point of contact to keep the person who is the subject of the allegation informed of the progress of the investigation and consider what other support is appropriate for the individual.

9.2. Parents/carers

Parents or carers of the child(ren) involved should be informed about the allegation as soon as possible if they do not already know of it (following agreement with the children's social care services and/or police on what information can be disclosed, if applicable).

Parents or carers should also be kept informed about the progress of the case, taking into account Data Protection legislation.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against staff whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

10. Confidentiality

10.1. WAT will make every effort to ensure that confidentiality is maintained and to guard any unwanted publicity throughout the process. Any enquires from the press should be directed to the CEO.

11. Keeping records

11.1. The case manager will keep a clear and comprehensive summary of the allegation, the process followed and the outcome. If an allegation or concern is not found to have been malicious, the academy will retain all notes of action taken and decisions reached on the

staff member's personal file. Records will be retained until the member of staff has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is the shortest period.

11.2. The records of any allegation that is found to be malicious will be deleted from the staff member's personal file.

12. Resignations

12.1. A member of staff who tenders their resignation, or ceases to provide their services, will not prevent the Trust following up an allegation in accordance with these procedures.

13. References

13.1. When providing employer references, WAT will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.