



## Windsor Academy Trust

<b>Concerns or Allegations against Staff Policy</b>	
<b>Responsible Committee:</b>	People and Culture Committee
<b>Date approved by Board of Directors:</b>	21 September 2023
<b>Implementation Date:</b>	21 September 2023
<b>Next review date:</b>	September 2025

## 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 concern and/or allegation 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 Officer (CEO) means the Chief Executive 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 lead any investigation 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.

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

## 2.Important Contacts

Role	Name	Contact Details
Designated Safeguarding Lead (DSL)	Mrs Kal Kaur	01922 710164
Deputy DSLs	Miss Becky Anderson Mrs Nargis Upadhey Mr Nick Tuck	01922 710164
Local Authority Designated Officer (LADO)	Ms Tina Cooper	07432 422205 Tina.Cooper@walsall.gov.uk
CEO	Ms Dawn Haywood	0121 602 7594

Chair of LAB	Ms Helen Kinsey	0121 550 1452
--------------	-----------------	---------------

### **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 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 they would 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.

This includes behaviour that may have happened outside of school and 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 This policy also sets out the procedure to deal with low level concerns. A low-level concern is any concern (no matter how small) about an adult's behaviour towards a child that does not meet the allegation threshold set out above (paragraph 3.1), or is not otherwise serious enough to consider a referral to the LADO.

3.3 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.

3.4 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 and LADO, taking 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 concern or 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 a concern and/or 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 LADO where appropriate.
- 5.3. Should the initial concern and/or 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 concern and/or 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 their 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 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 LADO will follow the procedure detailed in this policy.

**6. Responding to low-level concerns**

6.1 Following a report of low-level concerns, the case manager will collect as much information as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

6.2 Where potential patterns of concerning, problematic or inappropriate behaviour can be identified, the case manager will decide on a course of action (e.g. through WAT's disciplinary policy). Where a pattern of behaviour moves from a concern to meeting the allegation threshold (paragraph 3.1), the case manager will contact the LADO.

6.3 All low level concerns will be recorded in writing, including the details of the concern, the context in which the concern arose and action taken (including rationale). The name of the individual sharing their concerns will also be noted.

6.4 These records will be kept confidential and held securely in compliance with the Data Protection Act 2019 and the UK General Data Protection Regulation (UK GDPR).

6.5 Low level concerns about supply staff and contractors will be notified to their employer.

**7. Initial consideration of an allegation**

7.1. Before contacting the LADO, the case manager will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

7.2. After conducting basic enquiries, the case manager will discuss the allegation with the LADO, 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 LADO may ask the case manager to provide or obtain relevant additional information.

7.3. When to inform the individual of the allegation will be carefully considered on a case by case basis, with guidance as required from the LADO, and if appropriate children's social

care and the police.

7.4. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion(s) involving the police and/or children's social care and/or employment agency will be convened in accordance with the statutory guidance 'Working Together to Safeguard Children'. These meetings will be attended by the case manager and Head of HR.

7.5. In circumstances where allegations are made against an individual not directly employed by WAT (e.g. supply teachers or contracted staff), allegations will be dealt with. No decision to cease using a supply teacher due to safeguarding concerns will take place without finding out the facts and liaising with the LADO to determine a suitable outcome will be made.

## **8. Action following initial consideration of an allegation**

### **8.1 No further action**

8.1.1 Where the initial consideration leads to no further action, the case manager and the LADO should:

- record the decision and justification for it; and,
- agree on what information should be put in writing to the individual concerned and by whom.

8.1.2 In such cases, if the nature of the allegation does not require formal disciplinary action, consideration will be given as to any further action to be taken by the case manager i.e. informal action/advice, re-training.

### **8.2 Further enquiries**

8.2.1 Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation will normally be undertaken by a senior member of staff (or an independent investigator if the nature or complexity of the allegation requires it), 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.

8.2.2 Where the allegations require investigation by the police or children's social services, the case manager will liaise with the LADO and these agencies to understand their requirements and agree how the investigation will be managed in relation to any internal investigation required.

## **9. Suspension**

9.1. 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

- 9.2. Suspension will only be considered where there is cause to suspect a child or other children at the academy/Trust is or are at risk of significant harm, or the case is so serious that it might be grounds for dismissal. Advice can be sought from the Head of HR and Designated Officer.
- 9.3. 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.
- 9.4. 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.

## **10. Supporting those involved**

### **10.1. Staff (including supply staff and volunteers)**

- 10.1.1 The Trust has a duty of care to our employees and will endeavour to manage and minimise the stress inherent in the allegations process.
- 10.1.2 After speaking with the LADO, 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 LADO, children's social care services or the police.
- 10.1.3 The individual will be advised to contact their trade union representative, if they have one, or a work colleague for support.
- 10.1.4 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 (e.g. access to counselling).
- 10.1.5 Where it is decided on the conclusion of a case that the individual who has been suspended can return to work, the case manager will consider how best to facilitate this (e.g. phased return). Further guidance can be sought from the Head of HR.

### **10.2. Parents/carers**

- 10.2.1 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).
- 10.2.2 Parents or carers should also be kept informed about the progress of the case, only in relation to their child, taking into account Data Protection legislation.
- 10.2.3 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.

## **11 Confidentiality**

11.1.WAT will make every effort to ensure that confidentiality is maintained and to guard against any unwanted publicity while an allegation is being investigated or considered. Any enquiries from the press should be directed to the Head of Marketing and Communications (or designated person assigned by the CEO).

## 12 Keeping records

12.1. Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records, unless the individual gives their consent for retention of the information.

12.2.For all other allegations, the case manager will keep on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome categorised as per paragraph 13.1.
- a copy will be provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

12.3. 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, if that is longer.

## 13 Allegation Outcomes

13.1 The definitions used to determine the outcome of an allegation are set out below:

- **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 or cause harm to the person subject of the allegation;
- **False:** there is sufficient evidence to disprove the allegation.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or,
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegations being made

13.2 If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide their services; or the employer ceases to use the person's services

WAT has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

13.3 In the case of a member of teaching staff, the case manager will consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching

## 14. Resignations

14.1 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.



## **15. References**

- 15.1 When providing employer references, WAT will not refer to any allegation that has been proven to be false, unfounded, unsubstantiated or malicious, or any repeated concerns or allegations which have all been proven to be false, unfounded, unsubstantiated or malicious.
- 15.2 Low level concerns will not be included in references unless it has met the threshold for referral to the LADO and found to be substantiated.

## **16. Non recent allegations**

- 16.1 Where an adult makes an allegation that they were abused as a child, the individual should be advised to report the allegation to the police.
- 16.2 Non recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police.