



Cedars Academy

Handling Allegations of Abuse made against Employees Policy and Procedure

October 2022

To be reviewed October 2023

Cedars Academy F&S Committee

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1. Introduction

- 1.1. The Department for Education places a statutory duty on Cedars Academy's Governing Body to ensure that all complaints and allegations of abuse against employees, where there is a child welfare concern, are dealt with appropriately.

2. Aim

- 2.1. This Policy sets out the basis on which the Governing Body will handle allegations of abuse against employees.
- 2.2. The Governing Body of Cedars Academy recognises that it is essential that any allegation of abuse against employees is dealt with fairly, quickly, and consistently in a way which provides effective protection for the child and at the same time supports the employee who is the subject of the allegation.

3. Scope

- 3.1. This Policy applies to all employees of the Academy and for the purposes of this Policy "employees" includes volunteers and supply staff on or off the Academy's premises or sites.

This policy provides information about dealing with allegations against staff and volunteers who have contact with children and young people in their work or activities. They are addressed to employers and organisations responsible for providing services to children, young people and adults who are parents or carers. It also takes into account the requirements laid out in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.

- 3.2. Employees within the Academy have daily contact with children in a variety of situations, including the wider care role and are likely to be vulnerable to allegations of abuse being made against them. These allegations may be substantiated; however, they may also be false, malicious, unfounded, or unsubstantiated. The Academy is committed to investigating all allegations regardless of the motives.

- 3.3. The Academy will:

- make it clear that all allegations will be reported immediately;
- ensure there is an employee designated as the Safeguarding Lead within the Academy;
- ensure a member of the Governing Body is nominated to deal with matters relating to Safeguarding;
- ensure that procedures are in place for the reporting of allegations to the Local Authority Designated Officer (Designated Officer);

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- ensure that a child who reports any potential abuse will be listened to.

4. Introduction and Criteria

All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.

This procedure should be applied when there is such an allegation or concern that a person who works with children, 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 may 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 (in relation to members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police).

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 [Sexual Offences Act 2003](#));
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see Section 15 [Sexual Offences Act 2003](#));
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / email messages or images, gifts, socialising etc.);
- Possession of indecent photographs / pseudo-photographs of children.

If concerns arise about the person's behaviour to her/his own children, the police and/or children's social care must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

All references in this document to ' staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present.

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5. Responsibilities

Cedars Academy will appoint:

- A designated senior manager to whom allegations or concerns should be reported;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

5.1. The Governing Body will:

- promote high standards of educational achievement within the Academy;
- ensure that rigorous recruitment and induction processes are in place to appoint suitable candidates;
- nominate the Chair or Vice Chair to deal with matters relating to Safeguarding;
- ensure the Academy has appropriate Child Protection policies and procedures;
- be responsible for the conduct of any investigations into allegations made against the Head Teacher;
- ensure nominated Governors attend appropriate training;
- ensure confidentiality of information from all parties involved.

5.2. The Head Teacher will:

- act as the Safeguarding Lead or allocate the role to an appropriate employee;
- be familiar with all Child Protection legislation, guidance and procedures;
- ensure that all employees are aware of their right to report any allegations or concerns of a safeguarding nature;
- ensure the Safeguarding Lead has access to appropriate training in the role.

5.3. The Safeguarding Lead will:

- be the Head Teacher or a member of the Senior Leadership Team;
- undertake any training relating to handling child protection issues;
- report all allegations to the Designated Officer;
- carry out an initial investigation of the allegation and record appropriate details;
- be the Investigating Officer should there be a need for a formal investigation into the allegation;
- co-ordinate any activities regarding child protection issues within the Academy;
- liaise with all agencies over suspected child abuse;
- assist the Police with their investigations, if necessary.

5.4. The Designated Officer will:

- advise the Academy if any allegation meets the threshold for safeguarding procedures to commence;
- establish contact with all agencies i.e. Police, Social Services and other external agencies;

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- be the Academy's Safeguarding Lead point of contact;
- obtain an initial view from the Police on whether a potential criminal act has occurred.

5.5. The Employee will:

- report all allegations of child abuse in line with their statutory responsibility;
- undertake training relating to handling child protection issues;
- fully engage in any and all meetings needed to complete investigations into an allegation.

6. General Considerations Relating to Allegations against Staff

Persons to be Notified

The employer must inform the local authority designated officer (Designated Officer) within **one working day** when an allegation is made and prior to any further investigation taking place.

The Head of Academy Services will determine whether the allegation against staff meets the harm threshold outlined in section 3 of the Low Level Concerns (staff) policy. For any allegations that do not meet the harm threshold, the actions outlined in section 4 of the Low Level Concerns policy will be followed.

The Designated Officer will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

Cedars Academy will seek advice from the Designated Officer, the police and / or Children's social care about how much information should be disclosed to the person subject to the allegation.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The person subject to the allegation should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;

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- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent strategy meeting/discussion.

Children's social care should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

- a. The person who is the subject of the allegation; and
- b. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, independent schools and all types of maintained schools.

There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

It is a defence to show that the person publishing was not aware of the allegation having been made as set out in Section 141H 'Defences' of the Act.

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The organisation, together with Children's social care and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Suspension

Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a strategy meeting / discussion is to be held or if Children's social care or the police are to make enquiries, the Designated Officer should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend the person subject to the allegation and they cannot be required to do so by a local authority or police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and 'Compromise Agreements'

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

Compromise agreements' must **not** be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

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Organised Abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See [Organised and Complex Abuse Procedure](#).

Whistleblowing

All staff should be made aware of the Academy's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the Designated Officer.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

7. Record Keeping

7.1. Information regarding an allegation will be confidential to the employee concerned, the Safeguarding Lead, Head Teacher and the nominated Safeguarding member of the Governing Body.

7.2. Records will be retained as follows:

- allegations that are found to have been false or malicious will be removed from personnel records and cannot be referred to in Employers' references;
- allegations that are not substantiated or are unfounded will be retained on the personnel record and a copy of the record provided to the employee concerned but will not be referred in Employers' references;
- allegations that are upheld will be retained on the personnel records, a copy provided to the employee concerned and will be referred to in Employers' references.

7.3. Any records retained will be held until the employee reaches normal retirement age or for a period of 10 years from the date of the allegation, whichever is the longer.

8. Review

8.1. This Policy was agreed by the Governing Body of Cedars Academy on June 13 2016. It will be reviewed where necessary to take account of changes to any relevant legislation and/or advice issued by the Local Authority.

Further information: https://www.proceduresonline.com/nesubregion/p_alleg_against_staff.html

The Procedure

1. Introduction

- 1.1. This procedure will be adopted in all circumstances when handling allegations of abuse against employees of the Academy. A copy of this procedure will be provided to all employees when they commence employment.
- 1.2. The timescales for investigating and resolving individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegations.

2. Reporting of Allegations

- 2.1. Concerns about the behaviour of an employee towards a pupil or young person may be made in the form of a complaint or allegation. It is important to consider the details of the allegation. Any complaint with a safeguarding/child protection element should be responded to as a safeguarding allegation in the first instance.
- 2.2. Concerns may be raised in a number of ways:
 - direct disclosure by the pupil or young person;
 - indirect disclosure e.g. through written/art work or through friends;
 - a complaint from a parent/carer to the Academy, the Local Authority, Social Services and/or the Police;
 - reports by agencies;
 - anonymously.
- 2.3. The employee receiving the allegation must report the information to the Safeguarding Lead immediately or if the subject of the allegation is the Head Teacher or the Safeguarding Lead to the nominated Governor.
- 2.4. If an employee has concerns regarding a colleague as a first step they must report these to the Head Teacher directly, or if the concerns are regarding the Head Teacher to the Chair of Governors. Concerns can be made either verbally or in writing, a report form is attached as Appendix 1 to record the employee's concern. The form requests that the background and history of the concern/s are detailed, giving names, dates and places where possible; and the reason why the employee is particularly concerned about the situation.

3. Initial Actions

Referral to the Designated Officer

- 3.1. There must be an initial discussion between the Safeguarding Lead and the Designated Officer at the Local Authority.
- 3.2. The purpose of this discussion is to consider the nature, content and context of the allegation and to agree an initial course of action. The Designated Officer will consider

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whether allegations meet the criteria to then consult with the Police and Social Services.

- 3.3. At this stage the Designated Officer may contact the Academy's Human Resources provider to discuss in more detail the employment issues or may recommend that the Academy makes contact with their Human Resources provider for some initial advice in relation to the employee.

4. Initial Assessment

- 4.1. The Safeguarding Lead or nominated Governor must carry out an initial investigation of the allegation and record appropriate details regarding the nature of the allegation, time and location, names of any potential witnesses, and brief details regarding the employee's role within the Academy. The child who made/was the subject of the allegation must not be approached for further information at this stage.
- 4.2. The Academy must provide to the Designated Officer any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the employee's current contact with children outside of work (i.e. children of their own or members of organisations such as scouts or football clubs).

5. Outcome of Initial Actions

- 5.1. This initial sharing of information and evaluation of information may lead to a decision that no further action is to be taken from a safeguarding perspective. However, there may still be a need for investigations to continue in relation to the employee's professional conduct, inappropriate behaviour or capability in line with the Academy's relevant policies and procedures. At this stage the Academy's Human Resources provider will be contacted.
- 5.2. If it is clear to the Designated Officer and the Safeguarding Lead that the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome.
- 5.3. If the decision is that the allegation regarding the employee has met the following criteria it will be dealt with as a safeguarding issue:
 - behaved in a way that has harmed a child;
 - committed a criminal offence against or related to a child;
 - or behaved towards a child or children in a way that indicates they would pose a risk of harm to children.
- 5.4. When the allegation meets any of the above criteria and there is a threat of significant harm, the Designated Officer will arrange a Strategy Meeting to consider all relevant information.

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- 5.5. Where a Strategy Meeting is required, the Safeguarding Lead must not inform the employee(s) concerned until after the meeting has taken place. Those present at the meeting will agree what information can be disclosed to the employee(s) concerned.
- 5.6. Where a Strategy Meeting is not required the Safeguarding Lead must meet with the employee(s) to inform them that an allegation has been made, providing them with as much information as possible and that further investigations will take place.
- 5.7. The employee(s) may bring a trade union representative or work colleague to attend these meetings.

6. Strategy Meetings

- 6.1. Strategy Meetings are convened in accordance with the Working Together to Safeguard Children statutory guidance to ensure all relevant agencies can provide any information they have concerning the parties involved.
- 6.2. The agencies invited to the meeting are Police, Social Services, Health, the Academy's Safeguarding Lead, the Academy's Human Resources provider and Legal Services. If it is known that the employee has other connections with other organisations involved in working with children then a representative from that organisation may also be invited to attend.
- 6.3. These meetings will consider whether or not the allegation should instigate:
 - a police investigation of a possible criminal offence;
 - enquiries and assessment by Social Services about whether or not a child is in need of protection or support;
 - internal investigations to commence into any possible professional misconduct under the Academy's Disciplinary Policy and Procedure;
 - or no further action.
- 6.4. If, at the initial Strategy Meeting, the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome. The Academy may wish to consider taking appropriate action against the complainant where the allegation is found to be malicious.
- 6.5. If, at the initial Strategy Meeting, further investigation is necessary, by either the Police or the Academy, there will be a requirement to arrange further Strategy Meetings to discuss any new information and review the allegations in light of this.

7. Actions following Strategy Meeting(s)

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- 7.1. The following actions may be necessary depending on the discussions held within any Strategy Meeting arranged and therefore may occur at different stages, subject to each individual case.

Suspension from Work

- 7.2. The Academy will need to decide whether or not the employee should be suspended from work. The decision to suspend will be taken by the Head Teacher or the Chair of the Governing Body. The considerations for suspension are detailed in the Academy's Disciplinary Policy and Procedure; the Academy will abide by these and will consult with their Human Resources provider prior to making any decision on suspension.

Support for the Employee

- 7.3. A named representative from the Academy should be appointed to keep the employee who is the subject of the allegation informed of the progress of the investigation and consider what other support is appropriate. This support may be in the form of counselling services. Where employees are suspended from work they should be contacted regularly to ensure they are kept informed of the investigation process and of any work related issues.

Police Investigation

- 7.4. A Police investigation will be deemed appropriate when an employee has potentially committed a criminal offence against or related to a child. Any investigation by the Police will take priority and therefore the Academy's investigation will be suspended pending the outcome. The outcome of the Police investigations will be shared at a follow up Strategy Meeting.
- 7.5. Once the Police have completed their investigations and any subsequent prosecutions, the Academy will commence an investigation into the employee's professional conduct under the Academy's Disciplinary Policy and Procedure. This occurs in all circumstances whether Police investigations result in cautions, orders, convictions or no further action.

The Academy's Investigation

- 7.6. The Academy will conduct the investigation into the employee's professional conduct under the Academy's Disciplinary Policy and Procedure.
- 7.7. In addition to the normal processes for investigation, the Academy may consider it necessary to request information from the Police in order to assist with these investigations. The Academy must obtain consent from any employee involved in the Police investigation to obtain information they supplied to the Police. The Academy will forward consent to the Police Disclosure Unit and request all information held.

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- 7.8. The investigation conducted by the Academy will be clearly separated from the child protection and criminal investigations. Whilst the Academy's investigation can be informed by the child protection and criminal investigations, all must remain separate due to the fact that child protection and criminal processes have different objectives and thresholds for further action.

Disciplinary Action

- 7.9. The Academy may determine that an employee's professional conduct has fallen below the expected standard required and therefore may take disciplinary action against the employee. In these circumstances the Academy will abide by the levels of sanctions available to them under the Academy's Disciplinary Policy and Procedure.

8. Action Following Investigation or Disciplinary

- 8.1. On the conclusion of any investigation and/or any disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome. The Academy will only disclose such information as is necessary and that does not breach employee confidentiality.
- 8.2. The Academy will ensure that the appropriate support and, where necessary, training is in place for any employee returning to work.
- 8.3. The Academy will discuss with the Designated Officer, their Human Resources provider and the Safeguarding Support Unit whether a referral to the National College for Teaching and Leadership (NCTL) and/or the Disclosure and Barring Service (DBS) is required.
- 8.4. The Academy has a legal requirement to make a referral to the DBS where an employee has engaged in conduct (including sexual conduct) that harmed (or is likely to harm) a child or if the employee otherwise poses a risk of harm to a child.
- 8.5. The Academy has a duty of care to refer even where an employee resigns pending an investigation or disciplinary.

Appendix 1

Confidential Reporting of Safeguarding Concerns ("Whistleblowing")

Report Form

The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Academy expects employees and others that we deal with who have concerns about the behaviour of any of our employees towards a pupil or young person to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. If you wish to make a report please use this form.

Your Name/ Contact Telephone number You are encouraged to provide your name with this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible. The recipient of the form will attempt to preserve confidentiality.	Name: ----- Address: ----- ----- Contact Tel No: ----- Date: -----
The names of those involved (if known)	
Background Details: Please provide full details of the background to the concern; names, dates and places and the reason why you are concerned – (continue on separate sheet if necessary)	

Appendix 1

Please state the reasons why you are particularly concerned about the situation.