

Allegations of Abuse Made Against Adults Policy

Policy Code:	HR24
Policy Start Date:	September 2023
Policy Review Date:	September 2026

Please read this policy in conjunction with the policies listed below:

- HR9 Positive Handling Policy
- HR12 Staff Disciplinary Policy
- HR16 DBS Procedures Policy
- HR42 Low-Level Concerns Policy
- SW1 Intimate Care Policy
- SW4 Student Behaviour and Discipline Policy
- SW9 Parental Communication and Complaints Policy
- SW17 Safeguarding Adults Policy

- *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*
- *Keeping children safe in education*

1 Policy Statement

- 1.1 This policy applies to all staff of The Priory Federation of Academies Trust (the Trust). It also applies to adults who work with the Trust's children and young people, e.g., Trustees, Governors, Contractors, Volunteers and Agency Staff. It outlines how allegations against adults will be dealt with in accordance with the following legislation:
- The Children Act 1989
 - Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector).
 - Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010.
 - Working Together to Safeguard Children: A Guide to inter agency working to safeguard and promote the welfare of children.
 - Keeping Children Safe in Education; Statutory Guidance for Schools and Colleges.
- 1.2 The Trust will also adhere to the advice set out in the DfE's *Information sharing; Advice for practitioners providing safeguarding services to children, young people, parents and carers*.
- 1.3 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire ITT.
- 1.4 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.

2 Implementation, Roles and Responsibilities

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance to the Head of Human Resources.
- 2.2 Managers have a specific responsibility to ensure the fair application of this policy. All members of staff are responsible for supporting colleagues and ensuring its success. The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all to share this commitment.
- 2.3 The Trust recognises that, as an employer, it has a duty of care to its staff. The Trust will ensure it provides effective support for anyone facing an allegation

and will provide the member of staff with a named contact from the HR team who can broker support.

- 2.4 This policy relates to the management of cases where an allegation might indicate a person would pose a risk of harm if they continued to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that any adult in a setting that provides education for children under 18 years of age 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 if they work regularly or closely with children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

3 Aims

- 3.1 To ensure that any allegation made against an adult in an education setting is dealt with fairly, quickly and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.
- 3.2 This guidance outlines the initial response to an allegation of abuse of a child against an adult working with the Trust's children and young people.

4 Dealing with Allegations of Abuse

- 4.1 Allegations will be dealt with quickly in a fair and consistent way, applying common sense and judgement and providing effective protection for the student(s) and supporting the person(s) subject to the allegation.
- 4.2 Every effort must be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated.
- 4.3 In response to an allegation, suspension is not to be seen as the default option. Each allegation will be considered individually. The individual will only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the Trust and the individual notified in writing of the reasons.
- 4.4 Students found to have made malicious allegations are likely to have breached Trust behaviour policies. Individual academies will consider whether to apply an appropriate sanction, which could include suspension or permanent exclusion. A referral to the police may also be considered if there may be grounds for criminal proceedings. Any member of staff (including trainees and

learners) found to be making malicious allegations will be managed in line with HR12 Staff Disciplinary Policy.

- 4.5 If an individual is dismissed following an allegation, or if an allegation is substantiated but the individual is not dismissed, the Head of HR and the LADO will be informed of this detail.
- 4.6 All staff should be aware of their duty to raise concerns about the attitudes and actions of colleagues. The Trust recognises that students cannot be expected to raise concerns in an environment where staff fail to do so. Please see HR42 Low-Level Concerns Policy for more information.

5 Physical Intervention

- 5.1 The Trust policy on physical intervention is set out in the Positive Handling & Safe Touch Policy (HR9) and acknowledges that staff must only ever use physical intervention as a last resort. At all times, any physical intervention used must be the minimal force necessary to prevent injury to another person/ or to the individual themselves.
- 5.2 The Trust understands that physical intervention of a nature which causes injury or distress to a child may need to be considered under child protection guidelines, for example, whether a criminal offence has been committed.

6 Procedures

Reporting Allegations – Academy staff

- 6.1 If staff have any concerns about an adult working with the Trust's children and young people, they must report this to the Academy Headteacher without delay. The Headteacher will then report this to the Trust DSL (or Head of HR in the DSL's absence), who will inform the CEO.
- 6.2 If the concern involves the Trust DSL, the Headteacher will inform the CEO. If the concern involves the CEO, the Trust DSL (or Head of HR in the DSL's absence) will inform the Chair of Trustees.
- 6.3 If the concern involves the Headteacher, or they are absent, concerns must be reported to the Trust DSL (or Head of HR in the DSL's absence).
- 6.4 The Trust DSL and/or Head of HR will, where appropriate, inform the Local Authority Designated Officer (LADO).

Reporting Allegations – Central Services (Federation) staff

- 6.5 If staff from Central Services have any concerns about an adult working with the Trust's children and young people, they must report this to the Trust DSL (or Head of HR in the DSL's absence), who will inform the CEO.
- 6.6 If the concern involves the Trust DSL, then staff must report this to the Head of HR, who will inform the CEO. If the concern involves the Head of HR and the Trust DSL is absent, staff must report their concerns to the CEO. If the concern involves the CEO, the Trust DSL (or Head of HR in the DSL's absence) will inform the Chair of Trustees.
- 6.7 The Trust DSL and/or Head of HR will, where appropriate, inform the Local Authority Designated Officer (LADO).

Allegations/concerns that do not meet the harm threshold

- 6.8 In the event that a concern or allegation does not meet the harm threshold set out in section 2.4, the Trust will manage this in line with the procedures set out in HR42 Low-Level Concerns Policy.

The Initial Response to an Allegation

- 6.9 Before contacting the LADO, the Trust will conduct basic enquiries in line with local procedures to establish facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future potential police investigation. No assumption will be made and no alternative explanation should be offered.
- 6.10 If it is identified that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, the Academy DSL or Trust DSL should contact immediately children's social care services and, as appropriate, the Police.

Initial Investigation of an Allegation

- 6.11 An initial assessment of the allegation will be conducted on the same day the allegation is made, if reasonably possible. If it is not possible, the initial investigation will be conducted the next working day.
- 6.12 Students making an allegation will be listened to and an accurate written account recorded by an appropriate member of staff and signed by the student. The account must be taken in the student's own words and the student should not be interviewed; rather, a description received of the incident should be noted (including time, date and place where the alleged incident took place, what was said and anyone else present). Students or complainants should not

be promised confidentiality. Information should, however, be shared on a need-to-know basis.

- 6.13 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken regarding the individual facing the allegation. In these circumstances, the Headteacher, CEO or Chair of the Trust will record the reason and justification and will agree with the LADO about what information will be shared with the person who is the subject of the allegation.
- 6.14 If there is not a cause to suspect that 'significant' harm is an issue, but a criminal offence might have been committed, the LADO will immediately inform the police to discuss further the decision on whether a police investigation will be conducted.
- 6.15 Unless there is an objection by the Local Authority, social care services or the police, the individual who is the subject of the allegation will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action.

Investigation of an Allegation

- 6.16 If further investigation is required, the Head of HR will appoint an investigator to carry this out.
- 6.17 The individual against whom the allegation has been made will be advised of the following:
 - a) The full allegation.
 - b) To contact their trade union representative, if they have one, or a work colleague for support. If applicable, the individual will be granted welfare counselling or medical advice available through the Trust.
 - c) Their right to respond to the allegation and provide any evidence or documents to support their response.
- 6.18 The individual concerned will be interviewed by the investigating officer observing the Trust's disciplinary procedure. In the event that the individual is a Supply Teacher then a representative from their agency will be invited to be involved in the process. If a referral has been made to the police or social care services, the Trust will only conduct this interview once the police or social care services have indicated that it will not interfere with any child protection enquiries or criminal investigations.
- 6.19 The investigating officer will also interview any witnesses to the incident or obtain any relevant evidence that has been referred to in any interviews.

- 6.20 The investigating officer will provide a report to the relevant line manager, of the findings and evidence obtained.
- 6.21 The individual concerned will be kept informed of the progress of the case by the investigator. The HR support worker will consider what other support is appropriate for the individual. This could also include support via occupational health or welfare arrangements.
- 6.22 Parents/carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it (unless to do so would put the child at further risk). However, where a strategy discussion is required, or police or local authority children's social care services need to be involved, the Headteacher must not do so until those agencies have been consulted and have agreed what information can be disclosed to parents.
- 6.23 Parents/carers will be made aware of their requirement to maintain confidentiality about any allegations made against any individual while investigations are ongoing and will be advised to seek legal advice if they wish reporting restrictions to be removed.
- 6.24 Throughout the investigation the Head of HR (and the investigator where necessary) will keep the LADO up-to-date.

Suspension

- 6.25 Suspension should not be an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The Trust must consider carefully whether the circumstances warrant suspension from contact with children, or until the allegation is resolved. Please see paragraphs 6.37 – 6.39 in relation to Supply Teachers and Contractors.
- 6.26 Suspension should be considered only in cases where there is cause to suspect a child or other children within the Trust is/are at risk of harm, or the case is so serious that it might be grounds for dismissal, if proved true.
- 6.27 In cases where the Trust is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works for the Trust, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.
- 6.28 Where the investigator is concerned about the welfare of other children in the community or the individual's family, they should discuss these concerns with the Trust DSL and make a risk assessment of the situation. It may be necessary for the DSL to make a referral to children's social care services in the area in which the individual lives.

- 6.29 In many cases, an investigation can be resolved quickly and without the need for suspension. The Trust will decide on whether the individual should continue to work within the setting, based on consultation with the LADO and the Trust's HR team.
- 6.30 Local authority children's social care services or the police cannot require the Trust to suspend an individual, although appropriate weight should be given to their advice.
- 6.31 The power to suspend is vested in the CEO and Headteachers. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the local authority social care services and/or an investigation by the police, the LADO should canvass police and the local authority children's social care services for views about whether the accused individual needs to be suspended from contact with children and to inform them of the Trust's consideration of suspension.
- 6.32 If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.
- 6.33 Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension.
- 6.34 Particular care needs to be taken when individuals are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. The appointed HR support worker will broker specialist support where appropriate.
- 6.35 Social contact with colleagues during suspension must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 6.36 In cases where the individual concerned is suspended but the investigation or disciplinary hearing finds an outcome of malicious, false or unfounded allegation and it is concluded that they should return to work, the Trust will assess with the individual what support and help will be required to facilitate a return to work.

Supporting Those Involved

- 6.37 The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However,

when an allegation or safeguarding concern is being investigated, it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. The Trust will offer appropriate welfare support at such a time, bearing in mind the sensitivity of the situation and the need to maintain confidentiality.

Supply Teachers and Contractors

- 6.38 In some circumstances, the Trust will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or an external contractor.
- 6.39 While the Trust is not the employer in these instances, it has a duty to ensure allegations are dealt with properly. In no circumstances will the Trust decide to cease to use an individual due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. The Head of HR will discuss with the appropriate organisation, e.g. the supply agency, whether it is appropriate to suspend the individual, or redeploy them to another part of the Trust, while the investigation is carried out.
- 6.40 Agencies/organisations should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social services. The Trust will take the lead because agencies/organisations do not have direct access to children or other Trust staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. The allegations management meeting, which is often arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency/organisation are taken into account by the Trust during the investigation.

Allegation Outcomes

- 6.41 When carrying out the investigation, the Trust will use one of the following definitions to determine the outcome of the allegation:
- **Substantiated** – where there is sufficient evidence to prove the allegation;
 - **Malicious** – where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
 - **False** – where there is sufficient evidence to disprove the allegation;
 - **Unsubstantiated** – where there is insufficient evidence either to disprove or prove the allegation. This term does not imply guilt or innocence;
 - **Unfounded** – where there is no evidence or proper basis which supports the allegation being made. This will also be used in circumstances where

the allegation related to a misinterpretation of an incident or where the witness was unaware of the circumstances.

- 6.42 When considered necessary, a disciplinary hearing will be held within the next seven working days (or if the matter is referred to the police or social care services as soon as reasonably possible, after their investigation is concluded); and in accordance with the Trust's HR12 Disciplinary Policy.
- 6.43 The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed.
- 6.44 The parents or carers must also be kept informed about the progress of the case and notification of the outcome where there is not a criminal prosecution.
- 6.45 In cases where a child may have suffered significant harm or there may be a criminal prosecution, the local authority social care services or the police will consider what support the child or children involved may need.
- 6.46 If the allegation is not demonstrably false or unfounded and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with Working Together to Safeguard Children.
- 6.47 If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other Trust staff are entitled to use reasonable force to control or restrain students in certain circumstances, including dealing with disruptive behaviour as per the Trust's HR9 Positive Handling and Safe Touch Policy.

7 Timescales

- 7.1 The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. In addition a lot of these timescales are outside the control of the Trust.
- 7.2 The DfE expects that 80 per cent of cases should be resolved within one month; 90 per cent within three months; and all but the most exceptional cases should be completed within 12 months.
- 7.3 For those cases where it is immediately clear that the allegation is unfounded or is malicious, it is expected that the case should be resolved within one week, or five working days.
- 7.4 Where the initial consideration decides that the allegation does not involve a possible criminal offence, the Trust will handle the investigation. If, however,

there are concerns about child protection, the Trust will discuss these concerns with the LADO.

- 7.5 In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher will instigate appropriate action within three working days.
- 7.6 If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within seven working days.
- 7.7 If the strategy discussion or initial assessment decides that a police investigation is required, a target date will be set for reviewing the progress of any police investigation and subsequent consultation of The Crown Prosecution Service (CPS) about any decision to:
- a) Charge the member of staff;
 - b) Continue to investigate; or
 - c) Close the investigation.

Wherever possible, that review should take place no later than four weeks after the initial evaluation.

- 7.8 Dates for subsequent reviews, ideally at fortnightly intervals, will be set at the meeting if the investigation continues.
- 7.9 A referral must always be made in accordance with LA guidelines.

8 Oversight and Monitoring

- 8.1 The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues and for liaising with the Local Safeguarding Children Partnership (LSCP) on the subject. The LADO will provide advice and guidance to the Trust, in addition to liaising with the police and other agencies. LADO will also monitor the progress of cases to ensure that they are dealt with in a timely manner and that the cases are consistent with a thorough and fair process. Within the Trust, the appointed case manager will monitor the progress of the case, in liaison with the LADO.
- 8.2 Reviews will be conducted at fortnightly or monthly intervals depending on the complexity of the case.

9 Information Sharing

- 9.1 In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

- 9.2 Wherever possible, the police will obtain consent from the individuals involved in the allegations in order to share with the Trust any statements or evidence gathered. This consent should be obtained as the investigation proceeds. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
- 9.3 The local authority's social care services are expected to adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services. This is to ensure that any relevant information obtained in the course of those enquiries can be passed on to the Trust for possible use in a disciplinary case.
- 9.4 Academies and lead staff will take advice from the Head of HR, the LADO, police and local authority social care services to agree the following:
- a) who needs to know and, importantly, exactly what information can be shared;
 - b) how to manage speculation, leaks and gossip;
 - c) what, if any, information can be reasonably given to the wider community to reduce speculation; and
 - d) how to manage press interest if and when it should arise. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018, confidentiality and, where relevant, the Human Rights Act 1998.

10 Resignations

- 10.1 The fact that a member of staff tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.
- 10.2 It is important that every effort is made to reach a conclusion in all cases of allegations which may have a bearing on the safety or welfare of children, including any in which the member of staff concerned refuses to cooperate with the process.
- 10.3 Wherever possible, the member of staff against whom the allegation is made must be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation, gathering supporting evidence, and reaching a judgement about whether the allegation can be regarded as substantiated must continue even if the member of staff concerned has not taken the opportunity to answer the allegation or where the member of staff does not cooperate.

- 10.4 It may be difficult to reach a conclusion if the member of staff concerned does not cooperate and it may not be possible to apply any disciplinary sanctions if the member of staff's period of notice expires before the process is complete. However, it is important to reach and record a conclusion wherever possible.

11 Action Following a Criminal Investigation or a Prosecution

- 11.1 The police or Crown Prosecution Service are expected to inform the Trust and the LADO straight away when/if:
- a) a criminal investigation and any subsequent trial is complete;
 - b) it is decided to close an investigation without charge; or
 - c) the prosecution has been discontinued after the person is charged.
- 11.2 In these circumstances, the LADO will discuss with the Headteacher and the CEO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.
- 11.3 The information provided by the police and/or the local authority social care services will inform the decision on whether any further action is appropriate and how to proceed. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

12 Record Keeping

- 12.1 Details of allegations that are found to have been malicious will be removed from personnel records.
- 12.2 For all other allegations, it is important that the following is kept in the confidential personnel file of the member of staff concerned:
- a) a clear and comprehensive summary of the allegation;
 - b) details of how the allegation was followed up and resolved; and
 - c) a note of any action taken and decisions reached.

A copy of this information will also be given to the individual concerned.

- 12.3 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future Disclosure and Barring Service (DBS) checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

- 12.4 The record will be retained at least until the member of staff concerned has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer. For any individual who is not a direct employee of the Trust, records will be kept in line with HR33 Records Management Policy.

13 Action on Conclusion of a Case

- 13.1 If an allegation is substantiated and the individual resigns (or otherwise ceases to provide their services) or is dismissed, the Trust has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. In addition, in the case of a member of teaching staff, the case manager must consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching. Referrals will be made as soon as possible after the resignation or removal of the individual involved and within one month of ceasing to use the person's services. There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.
- 13.2 Upon conclusion of the case where the individual concerned has been suspended and can now return to work, the Trust will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience.
- 13.3 Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate for them.
- 13.4 The Trust and the Academy will also consider how the individual's contact with the child or children who made the allegation can best be managed if they are still a student within the Trust.

14 Reflection and Further Action

- 14.1 At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Headteacher (where relevant), the Head of HR, the CEO and/or the Chair of the Trust. This is to determine whether there are any improvements to be made to the Trust's procedures or practices to help prevent similar events in the future. This will include issues arising from the decision to suspend the individual, the duration of the suspension and whether or not suspension was justified.
- 14.2 If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to local authority children's social care services to determine whether the child concerned is in need of their services, or may possibly have been abused by someone else.

- 14.3 In the event that an allegation is shown to have been deliberately invented or malicious, the Chief Executive and the Headteacher will consider whether any disciplinary action or sanction is appropriate against the person responsible, whether a student, member of staff or other adult.

15 References

- 15.1 Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, etc. will also not be included in any reference.

16 Non-Recent Allegations

- 16.1 Where an adult makes an allegation to the Trust that they were abused as a child, the individual will be advised to report the allegation to the police.

17 Policy Change

- 17.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

The Priory Federation of Academies Trust

Allegations of Abuse Made Against Adults Policy

This Policy has been approved by the Trust's Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.