

# Managing Allegations Policy

## The Bridge



<b>Approved by:</b>	Nikita Boydell	<b>Date:</b> June 2023
<b>Last reviewed on:</b>	June 2023	
<b>Next review due by:</b>	September 2024	

## Summary

This policy is an overview of how to manage an allegation of abuse against a member of The Bridge staff and gives clear instructions on who should be contacted. The policy sits alongside the Safeguarding Policy.

## Who is the policy for?

Safeguarding the young people that The Bridge work with is of paramount importance. This document gives clear guidance on what all members of staff should do if an allegation of abuse is made against a member of staff.

## Who does this apply to?

This section of this policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

## What to do

If an allegation is made about a member of staff by a young person, during a disclosure, or by another adult the Director/Head must be immediately contacted; these in turn will contact the local authority designated officer (LADO). If the allegation is about the Director/Head, then contact must be made immediately with (LADO).

A full contact list is listed below:

Director/Head	Nikita Boydell 07591657197 nikitaboydell@tbap.co.uk
Local Authority Designated Officer (LADO)	01225 718079 01225 713945
Safeguarding Board	Wiltshire Local Children's Safeguarding Board www.wiltshirelscb.org
MASH	0300 456 0108
Out of hours	0845 6070 888

If an allegation of abuse is made against a member of staff the following applies:

## **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the Head (or LADO where the Head is the subject of the allegation) – the ‘case manager’ – will take the following steps:

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children’s social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children’s social care services, where necessary). Where the police and/or children’s social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at The Bridge is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children’s social care services, as appropriate
- If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at The Bridge and their contact details
- If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- If it is decided that further action is needed, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children’s social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and consider what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children’s social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to

have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice

- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- If The Bridge is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the National College for Teaching and Leadership.
- Where the police are involved, wherever possible the academy trust will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

## **a. Possible Outcomes**

### Suspension

- Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the [local authority]

### Definitions for outcomes of allegation investigations

- 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
- False: there is sufficient evidence to disprove the allegation
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

## **b. Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days

- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days

### **c. Specific actions**

- Action following a criminal investigation or prosecution
- The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

#### Conclusion of a case where the allegation is substantiated

- If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.
- If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.

#### Individuals returning to work after suspension

- If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.
- The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending The Bridge.

#### Unsubstantiated or malicious allegations

- If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the director/head, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

#### Confidentiality

- The Bridge will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree.
- Who needs to know about the allegation and what information can be share
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

#### Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)
- If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual. We will retain these records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.
- The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

#### References

- When providing employer references, we 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.

#### Learning lessons

- After any cases where the allegations are substantiated, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

## **2. Linked Policies**

This policy links to the following policies and procedures:

- Child Protection and Safeguarding Policy and Procedures
- Staff Discipline
- Staff behaviour
- Grievance Policy
- Complaints Policy
- Whistle-blowing Policy

# Equality Impact Assessment

<b>This EIA is for:</b>	Managing Allegations Against Staff
<b>EIA completed by:</b>	Nikita Boydell
<b>Date of assessment:</b>	June 2023
<b>Assessment approved by:</b>	Nikita Boydell

## Objectives and intended outcomes

This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of the The Bridge managing allegation policy for all staff have been fully considered and addressed, whether or not the staff members share a protected characteristic.

## 2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Summary
<b>Age</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies equally to all members of staff regardless of age. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their age.
<b>Disability</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies equally to all members of staff regardless of health/disability. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their disability.
<b>Pregnancy &amp; Maternity/paternity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	It is not considered that the policy positive or negatively impacts on pregnant women or on staff on maternity or paternity leave
<b>Race</b> (incl. origin, colour and nationality)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies equally to all members of staff regardless of their race, origin, colour or nationality. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively in these respects.
<b>Gender and Gender Re-assignment</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies equally to all members of staff regardless of their gender at any given time. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of gender.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies equally to all members of staff regardless of their sexual orientation. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because their sexual orientation.

## 3. Negative impacts and mitigations

Negative Impact	Mitigation	Owner
N/A	NB	NB