



# Tudor Grange Academies Trust

## Abuse Allegations Procedures

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21.10.21	2.3	Updated following release of Keeping Children Safe in Education 2021 Para 2.1 - expanded to include specific allegations Para 2.4 - removal of bullet point Para 8.1 – expanded ‘Malicious’ definition Para 9.1 - changed ‘Trust Behaviour Policy’ to ‘School Behaviour Policy’ Para 11 - Removal of paragraph ‘Dealing with allegations against agency or supply staff’ and subsequent renumbering

## Contents

1. Definitions .....	3
2. Introduction .....	3
3. Designated Safeguarding Lead .....	4
4. Receiving an allegation.....	4
5. Initial action.....	4
6. Referral.....	5
7. Non-referral.....	6
8. Outcome.....	6
9. Malicious accusation .....	6
10. Suspension of Staff .....	7
11. Record keeping .....	7
12. Supporting those involved.....	8
13. Confidentiality .....	8
Annex A Abuse Allegation Form .....	9
Annex B Managing Allegations of Misconduct.....	10

## 1. Definitions

<b>“Board”</b>	The Trust Board which is made up of the Trustees who together are responsible for the delivery of the core functions and hold the Chief Executive Officer to account.
<b>“Chief Executive Officer”</b>	The person with the overall responsibility for the day to day running of the Trust.
<b>“Executive Principal”</b>	The person with the overall responsibility for the day to day running of a number of schools within the Trust. The Executive Principals are accountable to the Chief Executive Officer.
<b>“Investigating Officer”</b>	A member of the senior leadership team, who is unconnected with the incident and will lead the investigations of the allegation
<b>“LADO”</b>	Local Authority Designated Officers
<b>“Manager”</b>	Any person who provides directions to other more junior Trust Persons and whom the same Trust Persons report to.
<b>“Principal”</b>	The person responsible for the day to day running of a particular school within the Trust. The Principals are accountable to the Executive Principal.
<b>“the Trust”</b>	Tudor Grange Academies Trust (company number: 07365748) whose registered office is at Tudor Grange Academy Solihull, Dingle Lane, Solihull, West Midlands, B91 3PD.
<b>“Trust Person”</b>	All staff, trustees and governors engaged by or associated with the Trust, including volunteers, supply staff and contractors.

## 2. Introduction

- 2.1. This document describes the procedure to be followed where an allegation is made that a Trust Person has physically, emotionally or sexually abused a pupil of the Trust. This will include allegations involving any type of abuse or neglect, including inappropriate relationships with pupils, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the sexual offences act 2003.
- 2.2. The Trust recognises that any allegation of abuse is serious and this procedure should be invoked without delay whilst ensuring that it is dealt with in a sensitive, efficient manner since all parties involved may be very distressed. The allegation should not be discussed within the earshot of a pupil or with any member of staff not directly involved in dealing with the allegation or referred to in it.
- 2.3. No pupil making or thought to be about to make a disclosure of abuse by a Trust Person may be assured of absolute confidentiality since the law may require details of an allegation to be passed to others irrespective of the wishes of the complainant.
- 2.4. The Department for Education’s statutory guidance for schools on Keeping Children Safe in Education (the “Statutory Guidance”) should be referred to in any cases where a person is alleged to have:

- 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; or
- Behaved towards a child or children in a way that indicated he or she would pose a risk of harm if they worked regularly or closely with children.

The most recent draft of Statutory Guidance is available here: [Keeping children safe in education 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/86291/Keeping-children-safe-in-education-2021.pdf)

- 2.5. This policy relates to any current Trust Persons, regardless of the establishment where the alleged abuse took place. Any allegations against a Trust Person who is no longer engaged at the Trust will be referred to the Police. Historical allegations of abuse will also be referred to the police.

### **3. Designated Safeguarding Lead**

- 3.1. The Principal will designate a member of staff to act as the Designated Safeguarding Lead (DSL) in its school.

### **4. Receiving an allegation**

- 4.1. Any allegation of abuse of a pupil by a Trust Person should be reported to the relevant Principal.
- 4.2. The person to whom the allegation was made should inform the Principal of the allegation without delay and should not discuss the allegation with the alleged abuser prior to reporting the matter to the Principal.
- 4.3. The Principal will take steps, where necessary to secure the immediate safety of pupils and any urgent medical needs.
- 4.4. The Principal should make a written record of what has been reported by completing an Abuse Allegation Form (see Annex A). Where possible, the form should be signed by the pupil or the person to whom the allegation was first made.
- 4.5. In the event of the allegation being made against the Principal, the person to whom the allegation was made should inform the Chair of Local Governing Body (LGB) directly of the allegation. The Chair of the Board will inform the Executive Principal, who will decide who should be appointed as Investigating Officer.
- 4.6. If it is not possible to report to the Principal or Chair of the LGB, a report should be made immediately to the Executive Principal, or the Executive Trust Lead for Safeguarding. If none of these are available, it should be reported to the school DSL.

### **5. Initial action**

- 5.1. The Trust will follow the Local Safeguarding Partners' Procedure for Dealing with Allegations against a Trust Person.
- 5.2. The Principal will immediately notify the LADO and take advice considering the nature, content and context of the allegation and agree a course of action.
- 5.3. The Principal may appoint an Investigating Officer. The Investigating Officer, in consultation with the Principal, and following advice from the LADO and/or our HR Advisors, should undertake any initial enquiries that may be necessary in order to decide whether or not to refer the matter to the relevant Children's Services

Department or to the Police. No pupil may be physically examined. Trust Persons or pupils may be invited, but not required, to write an account of their direct experience in relation to the allegation.

- 5.4. The Investigating Officer may seek advice from appropriate agencies, including the relevant Children's Services Department, the Department for Children, Schools and Families, HR and the Police.
- 5.5. The Principal will inform the Chair of the relevant LGB of any allegation.
- 5.6. The Investigating Officer and Principal will have regard to the most recent Department for Education's Statutory Guidance.
- 5.7. If after the initial sharing of information and evaluation, a decision is taken that no further action will be taken in regard to the individual facing the allegation or concern, the decision and a justification for it should be recorded by both the LADO and the Principal.
- 5.8. The Principal should inform the accused person about the allegation as soon as possible after consulting with the LADO and HR. However, where a strategy discussion is required, or Police or Children's Services need to be involved, the Principal should not do that until those agencies have been consulted and have agreed what information should be disclosed.

## **6. Referral**

- 6.1. Where the LADO or Principal decides to refer the matter to the relevant Children's Services Department for the school in which the issue arises on grounds of child protection and/or to the Police on grounds of a suspected criminal offence, the referral/s should be made without delay. From this point no further enquiries into the allegation should be made by Trust Persons unless and until the Children's Services Department and/or the Police indicate in writing that they do not intend to proceed further.
- 6.2. The Principal should discuss with the relevant officer of the Children's Services Department and/or Police what may and may not be said to the pupil, their parents or carers, the alleged abuser and to the informants.
- 6.3. The Principal should inform the Chair of the Board that an allegation relating to a member of staff has been made and referred to an external agency. The Principal should not describe the nature or details of the allegation to the Chair of the Board at this stage.
- 6.4. The Principal should prepare a statement to be used in response to queries by Trust parents and the media, following the Trust's Media Protocols. This should be approved by the Executive Principal. The statement should indicate that:
  - i The matter is governed by procedures which the Principal is obliged to follow;
  - ii The matter is in the hands of the appropriate agencies and no further comment can be made;
  - iii No names can be given for public use.
- 6.5. When inter-agency meetings take place, it is essential that the DSL, Investigating Officer or an alternative nominee attends.

6.6. When the external agencies have completed their procedures, the Principal may decide that an internal investigation should be carried out to establish whether or not the Trust's Disciplinary policy should be invoked. In this case, any further investigations conducted by the Trust shall follow those set out in the Disciplinary Policy.

## 7. Non-referral

7.1. If the Principal is satisfied that no child is at risk of significant harm or that a reportable criminal offence has not been committed, the allegation need not be referred either to the Local Authority or to the Police. In this case an internal investigation may be carried out by invoking the Staff Disciplinary Procedure.

7.2. The Principal/Investigating Officer will make detailed written records including his/her decisions, and the reasons for these.

## 8. Outcome

8.1. The following definitions should be used when determining the outcome 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 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.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

8.2. The Principal/Investigating Officer will make detailed written records including his/her decisions, and the reasons for these.

8.3. If the allegation is substantiated and the member of staff is dismissed or if they resign, the Principal should discuss the case with the LADO to decide whether to make a referral to the DBS to consider whether inclusion on the Barred List is required and/or to the Teaching Regulation Agency to consider prohibition from teaching.

8.4. There is a legal requirement for employees to make a referral to the DBS where they think that an individual has engaged in conduct that has harmed or is likely to harm a child, or if a person otherwise poses a risk of harm to a child.

8.5. If the accused person resigns or ceases to provide his/her services to the Trust, this should not prevent an allegation being followed up and a referral to the DBS **must** be made if the criteria in paragraph 2.4 are met.

## 9. Malicious accusation

9.1. If the accusation is found to be entirely groundless and is judged by the Investigating Officer to have been made with malicious intent, the Investigating Officer may advise the Principal to take disciplinary action against the pupil or pupils responsible

provided this is proportionate to the gravity of the offence and intent. This will follow the school's Behaviour policy.

- 9.2. Details of malicious allegations should be removed from personnel records for the subject of the allegation.

## **10. Suspension of Staff**

- 10.1. Suspension need not follow an allegation automatically but it may be an appropriate step at any stage, depending on the information available. Such a suspension would not constitute a disciplinary action.
- 10.2. A decision to suspend a member of staff may only be taken by the Principal, or member of the Executive, or in his or her absence the member of staff with delegated authority following consultation with external agencies where a referral has been made to them. Factors such as the seriousness of the allegation, the perceived risk to children, the existence or otherwise of previous complaints and the possible jeopardising of the conduct of any investigation should be taken into consideration.
- 10.3. Any member of staff who is suspended should be advised to contact their teacher association, trade union or other professional body for advice and representation.
- 10.4. A suspension risk assessment should be completed (see Annex B).
- 10.5. The Principal should appoint a named representative to keep the member of staff informed of the progress of the case.
- 10.6. Where it is decided that a person who has been suspended can return to work, the Principal should consider how best to facilitate this. Support is likely to be needed for the member of staff after a stressful experience.

## **11. Record keeping**

- 11.1. The Investigating Officer will make detailed written records including his/her decisions, any action taken and the reasons for these. All records will be retained securely and subject to the Data Protection policy.
- 11.2. The Principal's PA is responsible for keeping and securely storing records in relation to any allegations except where the allegation relates to the DSL in which case the Principal has this responsibility, or where the allegation relates to the Principal, in which case the Clerk to the Board has this responsibility. Where a person makes an oral statement, a written transcript or summary should be signed and dated by the person making the statement.
- 11.3. The Principal or Investigating Officer should record the process followed in handling the allegation.
- 11.4. With the exception of allegations found to be malicious, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached should be kept on the confidential personnel file for the member of staff accused, and a copy should also be provided to that person.

- 11.5. Schools have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA) for the term of the inquiry (see <https://www.iicsa.org.uk/> for further information).
- 11.6. All other records should be retained at least until the accused has reached normal pension age, or for a period of 10 years from the date of the allegation if that is longer.

## **12. Supporting those involved**

- 12.1. The Trust will deal with any allegation of abuse made against a Trust Person in a quick, fair and consistent way to minimise the stress inherent in the allegations process and provide effective protection for the child and support the person against whom the allegation is made.
- 12.2. We recognise that other staff may find the situation stressful and upsetting. We will support such staff by providing an opportunity to talk with their trade union or to seek further support as appropriate.
- 12.3. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. Where other agencies or the police are involved, these should be consulted first and it should be agreed with these agencies the information that can be disclosed.

## **13. Confidentiality**

- 13.1. The Trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Abuse Allegation Form

Name of Informant:

***Nature of the allegation***

*Please include full details, including persons involved, dates and times of incidents*

This form completed by \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Managing Allegations of Misconduct

### Considerations for the Suspension of an Employee

Suspending an employee may be an appropriate course of action to take if allegations against the employee involve gross misconduct where, if they were upheld at a disciplinary hearing, the employer would be entitled to dismiss the employee without notice. However, suspending an employee is a serious step to take and without due consideration it can amount to a breach of trust and confidence by the employer, entitling an employee to claim constructive dismissal. Therefore, thought needs to be given as to whether it can be avoided and an employee should only be suspended if it is reasonable to do so in the circumstances.

Careful consideration should be given to the facts, the seriousness of the allegation and any alternatives available, before suspending an employee. Suspension must not be a 'knee-jerk' reaction to an allegation and should not imply any assumption that the individual is guilty of any misconduct. Suspension does not constitute disciplinary action and, for employees, will be on full pay. A period of suspension should be kept under review and be as short as possible, while allowing the employer to carry out a reasonable investigation. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified in writing of the reasons.

### Allegations of Abuse made Against Employees

If the allegation is one of abuse against an employee, in accordance with the statutory guidance [Keeping Children Safe in Education Part four: Allegations of abuse made against teachers and other staff](#), an individual should only be suspended if there is no reasonable alternative. When managing such allegations you must have regard to the statutory guidance.

The statutory guidance relates to all adults working with children and young people, whether in a paid or voluntary position. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college 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; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

When managing any allegation of misconduct against an employee, you must have regard to the disciplinary procedure, any relevant code of conduct and allegation management procedure adopted by the school.

If a decision is taken to suspend an individual, then at the point of their suspension, they should be informed of who their named contact is within the school and provided with their contact details. Consider whether the employee should be escorted from the workplace, whether IT access and access to the workplace should be removed, and ensure the employee understands that communication with workplace colleagues is prohibited during the period of suspension. The support that will be available for the individual must also be considered, and they should be advised to contact their trade union representative if they have one. Where possible, the suspension and the reasons for suspension should be kept confidential. If necessary, discuss with the employee how they would like their absence to

be explained to colleagues and the school community. A decision to suspend should be communicated in writing as soon as practicable. For advice on suspension and for a suspension letter please contact your HR Adviser.

The following assessment will assist the relevant parties, both in making a decision regarding suspension, and keeping a record of that decision. The assessment should take account of the context of the allegation, background information in relation to the individual concerned and in cases concerning allegations of abuse, any strategy discussion outcomes. A copy of the assessment should be retained on file by the school.

## Suspension Assessment

### Part 1: Suspension should only be considered if one or more of the following apply:

Question	Yes	No	Notes/Considerations
If there is a strong likelihood that if the allegations are substantiated then the matter will amount to gross misconduct?			
Is there a threat or risk of harm to employees?			
Is it possible to fully investigate the allegation if the employee remains at work (e.g. is the employee likely to destroy evidence or attempt to influence/intimidate witnesses?)			
Have relationships at work broken down?			
Is there likely to be a detrimental effect on the employer/school if the employee remains in work or continues to interact with pupils, parents, or employees?			
Is there a risk of harm to pupil(s) or, is the allegation related to safeguarding?			If the answer is yes – please refer to <b>Part 2</b> of the assessment below, which provides a table for completion with additional considerations in respect of allegations of abuse.
If the answer is yes to any of the above questions, please complete Part 3			

## Part 2: Safeguarding

### Additional considerations for allegations of abuse made against an employee

(Please refer to DfE Statutory Guidance Keeping Children Safe in Education Part Four)

Information About the Allegation	Notes/Considerations
<ul style="list-style-type: none"><li>– Nature of the allegation.</li><li>– Duration and frequency of allegation.</li><li>– Extent of pre-meditation.</li><li>– Degree and nature of alleged harm or risk to pupils.</li></ul>	
Information About the Employee	
<ul style="list-style-type: none"><li>– Previous concerns.</li><li>– Previous allegations.</li><li>– Disciplinary record.</li><li>– Length of service.</li><li>– Contact with pupil(s) concerned.</li></ul>	
Health and Safety	
<ul style="list-style-type: none"><li>– Potential risks to the person’s health and safety should they remain in school (impact of threats from parents/carers/ potential press interest etc.).</li></ul>	

### Part 3: Alternatives to suspension and a record of the decision

Alternatives to Suspension:
Explore and assess any alternatives, e.g. redeployment, supervision, working from home etc.
Particular Views of Those Concerned:
(E.g. Principal/Designated Safeguarding Lead/ Designated Officer/HR Adviser etc.)
Decision to Suspend:
Yes: <input type="checkbox"/> No: <input type="checkbox"/> Date:
If the decision is to suspend, record your grounds for suspension:
The employee will need to be notified of the reason(s) for suspension in writing.

Name and job title of person responsible for the decision:	
Name and job title of person completing assessment:	
(If applicable) Name of person responsible for communicating decision to suspend the employee: This should be communicated in writing as soon as practicable. Please refer to the template suspension letter available from your HR Adviser:	
Name and job title of person nominated to keep suspension under review:	