



PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST STAFF

ACROSS ALL DELIVERY STRANDS FROM FURTHER EDUCATION TO HIGHER EDUCATION AND
APPRENTICESHIP PROVISION

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Contents

1 Introduction	2
2 Initial Considerations	2
3 Supporting those involved	3
4 Confidentiality.....	4
5 Resignations.....	4
6 Record Keeping	5
7 Timescales	5
8 Suspension.....	5
9 Action Following a Criminal Investigation or Prosecution	6
10 Action on Conclusion of a Case	6
11 Procedures and Outcomes	6
12 Unfounded or malicious allegations.....	7
13 Review & Update.....	7

Procedures for Dealing with Allegations of Abuse against Staff

1 Introduction

These procedures for dealing with allegations against staff relate to all staff, including temporary staff and volunteers, working with children and young people. They follow the Department for Education guidance dealing with allegations of abuse against teachers and other staff.

This policy should be read in conjunction with:

- The Fashion Retail Academy's (FRA) Safeguarding Policy,
- Keeping Children Safe in Education (KCSIE DofE) 2023
- "Working Together to Safeguard Children 2019"
- DfE guidance "What to do if you are worried that a child/young person is being abused 2015".

These Procedures will be used where it is alleged that a member of staff has:

- behaved in a way that has harmed a child/young person, or may have harmed a child/young person; or
- possibly committed a criminal offence against or related to a child/young person; or
- behaved towards a child/young person or children/young people in a way that indicates he or she would pose a risk of harm if he or she work regularly or closely with children/young people.
- communicated or interacted with a child/young person online in a way that indicates he or she is possibly committing a criminal offence relating to a child/young person and/or pose a risk of harm if he or she work regularly or closely with children/young people

Where an allegation or complaint is made against any member of staff or a volunteer, the matter must be reported immediately to the Principal.

If the allegation appears to meet the criteria above, the Principal will consult with the Local Authority Designated Officer (LADO) within 24 hours. The allegation will be discussed with the LADO before further action is taken.

Where an allegation or complaint is made against the Principal, the matter should be reported immediately to the Chair of Governors, without the Principal being notified first. Again, any such allegations will be discussed with the LADO before further action is taken.

Subject to the points made in the next paragraph, the Principal (or the Chair of Governors where the allegation is against the Principal) will inform the accused person of the allegation as soon as possible after the LADO has been consulted. The parents or carers of any student involved will be informed of the allegation as soon as possible if they do not already know of it.

Where the LADO advises that a strategy meeting is needed, or consideration of a criminal or section 47 investigation may be required, the accused or the parents or carers will not be informed until these agencies have been consulted and it has been agreed what information can be disclosed. The parents or carers should be kept informed of the progress of the case, including the outcome of any disciplinary process.

Where it is clear that a criminal or section 47 investigation is unnecessary, or the strategy meeting or initial evaluation decides that this is the case, the LADO will discuss the next steps to be taken with the Principal (or the Chair of Governors where the allegation is against the Principal).

The appropriate action will depend on the nature and circumstances of the allegation, and may be dealt with in accordance with the Academy's Staff Conduct Policy, and will range from taking no further action to dismissal or a decision not to use the person's services in the future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision to be made about how to proceed. In such cases, the LADO will discuss with the Principal (or the Chair of Governors where the allegation is against the Principal) how and by whom the investigation will be undertaken. The appropriate person to undertake the investigation will usually be a senior member of staff or the Designated Safeguarding Lead, but in some instances, it may be appropriate to appoint an independent investigator as advised by the Westminster Safeguarding Children Board.

Any member of staff, or volunteer, can make a direct referral to Children's Social Care in exceptional circumstances, if there is a risk of immediate serious harm to a young person. However, in general they are expected to raise their concerns with the Principal (or Chair of Governors where the allegation is about the Principal).

The Westminster LADO can be contacted via LADO@westminster.gov.uk and on 020 7641 7668.

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.

3 Supporting those involved

The FRA has a duty of care towards its staff and will act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as

possible and explained the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative or a colleague for support.

A representative will be appointed to keep the individual informed of the progress of the case and to consider what other support is available for the individual, as appropriate. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the student and at the same time supports the person who is the subject of the allegation.

4 Confidentiality

It is extremely important that when an allegation is made, the Academy makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Principal (or the Chair of Governors where the allegation is against the Principal) will take advice from the LADO and police and Children's Social Care Services to agree the following:

- who needs to know and, importantly, exactly what information can be shared; - how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

Parents and carers must also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002, which introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a student.

KCSIE states: "The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public)."

5 Resignations

If an accused person resigns, or ceases to provide his or her services, this will not prevent an allegation being followed up by the Academy. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children/young people, including any in which the person concerned refuses to cooperate with the process.

So-called “settlement agreements”, by which a person agrees to resign if the Academy agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the Disclosure and Barring Service or the Teaching Regulation Agency (TRA), as appropriate, where circumstances require that.

6 Record Keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that 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 is kept on the confidential personnel file of the accused and a copy provided to the person concerned. The record will be retained at least until the accused reaches the normal retirement age or for a period of ten years from the date of the allegation, if that is longer.

7 Timescales

All allegations must be dealt with as a priority to avoid any delay. It is expected that 80% of cases should be resolved within one month, 90% within three months and all but the most exceptional cases should be completed within 12 months.

Where possible, if it is immediately clear that the allegation is unfounded or malicious, the case should be resolved within one week of the allegation being raised. Wherever practicable, if the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Academy to deal with it, although if there are concerns about child/young person protection, the Academy will discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the Academy will institute appropriate action within three working days of the consideration being made.

If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days of the consideration being made.

8 Suspension

The possible risk of harm to children posed by an accused person will be evaluated and managed, particularly in respect of the student(s) involved in the allegations. In some rare cases, that will require suspension of the accused until the case is resolved. Suspension must not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step.

Suspension will only be considered in a case where: o there is cause to suspect any children/young people at the School are at risk of significant harm; or o the case is so serious that it might be grounds for dismissal.

The professional reputational damage that can arise from suspension where an allegation is later found to be unsubstantiated, unfounded or malicious must be considered. It may be that the result that would be achieved by suspension could be obtained by alternative arrangements, for example, redeployment within the School so that the individual does not have direct contact with the student(s) concerned.

If suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by the Principal (or the Chair of Governors where the allegation is against the Principal). This should include what alternatives to suspension have been considered and why they were rejected. Written confirmation of the suspension will be sent to the individual within one working day, giving as much detail as appropriate for the reasons for the suspension, including details of who their named contact is within the FRA (see Section 3 above).

9 Action Following a Criminal Investigation or Prosecution

The FRA will consult with the Local Authority Designated Officer following the conclusion of a criminal investigation or prosecution as to whether any further action, including disciplinary action, is appropriate and if so, how to proceed. The options will depend on the circumstances of the case and the consideration will need to consider the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

10 Action on Conclusion of a Case

Where the Academy dismisses or ceases to use the services of a member of staff (or a governor or volunteer) because they have harmed or pose a risk of harm to one or more child/young person, there is a duty on the Academy to refer the individual to the Disclosure and Barring Service. This duty also arises where the individual has resigned where they would have been removed had they not done so.

Referrals will be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Academy will consider how best to facilitate this.

Most people would benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to aid and support in the short term may be appropriate. The Academy will also consider how best to manage the person's contact with any students at the School who made the allegation or to whom the allegation related.

11 Procedures and Outcomes

Keeping Children Safe in Education states "The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting

consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay. Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate. 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; - 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"

12 Unfounded or malicious allegations

Where an allegation by a student is found to have been unfounded or malicious, the Principal will consider whether to take disciplinary action in accordance with the Academy's relevant behaviour policies. If an allegation is shown to be deliberately invented or malicious, the Principal will also consider whether the police should be asked to consider if action might be appropriate against any person responsible.

13 Review & Update

This policy will be reviewed annually.

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