



Procedure for managing allegations of abuse against teachers, other staff working in and for schools, and volunteers

PURPOSE

This procedure sets out the guidance which should be followed wherever an allegation of abuse is made against any member of school staff, any professional or consultant working in or for schools or any volunteer, including governors.

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School:	ARK Charter Academy	Approval:	Management team
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POSITIONING WITHIN ARK OPERATIONAL MODEL

Component	Element
<input type="checkbox"/> Strategic Leadership & Planning <input type="checkbox"/> Monitoring, Reporting & Data <input type="checkbox"/> Governance & Accountabilities <input type="checkbox"/> Teaching & Learning <input type="checkbox"/> Curriculum & Assessment <input checked="" type="checkbox"/> Culture, Ethos & Wellbeing <input type="checkbox"/> Pathways & Enrichment <input type="checkbox"/> Parents & Community <input type="checkbox"/> Finance, IT & Estates <input type="checkbox"/> Our People	Safeguarding

1. Introduction

This procedure sets out Ark Schools' procedure for managing allegations of abuse made against any member of school staff, or against volunteers. It should be followed wherever an allegation of abuse is made and it should be noted that that a member of staff could be subject to an allegation even if they have not harmed a child or intended to harm a child. It is sufficient that the staff member's conduct could pose a risk to the child.

This procedure applies to teachers, senior leaders, other professionals and staff working in or for an Ark school and volunteers, including governors.

2. Aims

To set out the procedure for managing allegations of abuse in compliance with statutory requirements and to set out the support available to staff and volunteers who may be the subject of an allegation of abuse.

3. Purpose

The framework for managing cases of allegations of abuse against teachers and other staff is set out in the statutory guidance 'Keeping Children Safe in Education' (September 2018) (KCSIE). The guidance can be found [here](#).

This procedure should be read alongside the statutory guidance KCSIE September 2018 Part 4 and Ark's Safeguarding & Child Protection Policy s.17. It should be used in respect of all cases in which it is alleged that a person who works with children under 18 years of age (either paid /unpaid/self-employed/contracted) 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 they may pose a risk of harm to children or to a particular child.

An allegation against a member of staff may arise from a number of sources e.g.:

- a report from a child victim
- a concern raised by another child/adult in the school/organisation/agency
- a concern raised by a parent or carer.

It is essential that any Safeguarding issue, concern or allegation made against staff, volunteers or other professionals in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time support the person who is the subject of the concern or allegation.

An overview of how allegations must be handled is relevant for the purposes of Section 175/157 of the Education Act 2002.

4. Defining an allegation

- 4.1. In the first instance whenever an allegation is made against a member of staff, another professional or volunteer that meets any of the above criteria, the Principal must be informed immediately. It is the Principal's responsibility to immediately consult the Designated Officer (LADO) and inform the Head of Safeguarding and Regional Director (Please refer to Appendix A for contact details).
- 4.2. If the allegation is made against a Principal, the person receiving the information must contact the Regional Director and inform the Head of Safeguarding. If the allegation is against an Executive Principal or Regional Director, the person receiving the information must contact the Director of Primary or Secondary Education and inform the Head of Safeguarding.
- 4.3. The Principal must advise the People Business Partner if an allegation:

- could result in, or has resulted in, a strategic case meeting being called by a Designated Officer (LADO);
 - relates to a member of staff and, without prejudice to the case, the Principal judges that it may result in disciplinary action being taken.
- 4.4. Where a safeguarding concern or allegation triggers another procedure such as a grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated. The People Business Partner will provide HR advice in these circumstances.
- 4.5. If an allegation requires immediate attention, but is received outside of normal office hours, the Principal should consult the Social Care Emergency Duty Team or the Child Abuse Investigation Team (CAIT) via local Police. The Principal should also inform relevant people (see section 9.3) as soon as possible following this action.
- 4.6. Please refer to the following flow chart which sets out a summary of the overall procedure to be followed.

Allegation raised

Allegation involves a member of staff or volunteer

Allegation involves Principal

The Principal consults the Designated Officer (LADO).

Contact and inform Regional Director, Head of Safeguarding & People Business Partner.

Is suspension required?

YES – The allegation is so serious that there is no alternative to suspension. The individual must be informed within 1 working day.

NO – there are alternatives, e.g.:

- The individual can be redeployed to a role with no contact with pupils; or
- Another individual can be present when in contact with pupils;
- The individual can be redeployed to another location;
- The individual can be redeployed away from the pupil(s) concerned;
- The pupil(s) can be moved to another class.

Consult the Designated Officer (LADO) if not already done so.

Step 1: Initial considerations

Step 2: Fact finding exercise and further discussion with Designated Officer (LADO).

Step 3: Responses to fact finding outcomes

The pupil is alleged to have suffered, or is likely to suffer, significant harm.

Criminal offence is alleged.

The allegation relates to poor or inappropriate behaviour.

The allegation is handled under disciplinary or capability procedures

The allegation is clearly and demonstrably without foundation.

Designated Officer (LADO) to organise strategy discussion.

Where allegation of criminal offence, requires referral to police. In case of serious harm, referral

Investigate.

Inform accused individual of outcome

Notify the People Business Partner & Head of Safeguarding

Follow disciplinary procedures (where appropriate).

No further action required – record kept of outcome.

- 4.7. The Principal will consult the Designated Officer (LADO) to discuss the next action points. Advice may also be sought from social care and the police as required. It may be advised that the staff member is not told about the allegation immediately.

Step 2: Conducting a fact-finding exercise

- 4.8. After a discussion with the Designated Officer (LADO), the Principal should not conduct an investigative process on the matter. S/he should undertake a fact-finding exercise and:
- obtain written details of the concern/allegation
 - countersign and date the written details
 - record any information about times, dates and location of alleged incident(s) and names of any potential witnesses
 - make a record of any discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions onto the safeguarding recording system – safeguarding monitor.
 - if more information is required than the initial disclosure, the principal may obtain any additional information which may be relevant such as previous history, risk assessments, whether the child or their family have made similar allegations and the individual's current contact with children.
- 4.9. In cases of an allegation against the Principal, Regional Director or Executive Principal, s/he should not be asked to gather the above information themselves. (Refer to point 4.2)
- 4.10. After the fact-finding exercise and further discussion with the Designated Officer (LADO), one or more of the following may be applicable:
- a) The pupil is alleged to have suffered, or is likely to suffer, significant harm - this requires an immediate referral to social care.
 - b) A criminal offence is alleged - this requires referral to the police.
 - c) The allegation relates to poor or inappropriate behaviour and requires an investigation to be completed.
 - d) The allegation is being handled under the disciplinary and/or capability procedures. The People Business Partner should be notified. In addition, the Head of Safeguarding should be informed for staff/pupil support (as necessary).
 - e) The allegation is clearly and demonstrably without foundation and no further action is required.
- 4.11. Where it is clear that an investigation by the police or Local Authority children's social care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, in those circumstances the options open to the school are dependent on the nature and circumstances of the allegation and the evidence and information available. The options will range from taking no further action to summary dismissal or a decision not to use the person's services in future.
- 4.12. The Principal will continue to update the Regional Director as well as the Head of Safeguarding during the initial consideration process.

5. Responding to fact finding outcomes

Step 3: Responding to the fact finding outcomes

Following the fact finding exercise, one or more of the outcomes set out in section 5.5 (a) to (e) below may be applicable.

- 5.1. **Outcome where either 5.5 (a) the pupil is alleged to have suffered, or is likely to suffer, significant harm or 5.5 (b) a criminal offence is alleged.**

5.1.1. Strategy discussion

If the conclusion relates to either 5.5 (a) or 5.5 (b) above, the Designated Officer (LADO) will arrange a strategy discussion. The Principal, police, social care, People Business Partner are always invited and Head of Safeguarding should be invited (if matter relates to SLT/Principal). The staff member should not attend. The discussion will:

- focus on the needs of the pupil(s) who may be at risk; and
- determine what action should be taken regarding further investigation
- decide on who will inform the parents/carers of the child or young person

5.1.2. Strategy meeting

Following the outcome of the strategy discussion, a strategy meeting will be convened. The Designated Officer (LADO) will convene the meeting with any other relevant people, such as the Principal, social care, police, and HR. The staff member against whom the allegations is made against should not attend. The general purpose of the meeting is to consider evidence and discuss next steps.

The LADO will send out a letter inviting attendees to the meeting, detailing what will be discussed. At the end of the strategy meeting, it will be agreed how and who will inform the staff member of the outcome.

Subsequent strategy meetings will be held fortnightly, or at a minimum, monthly, to review progress. Each strategy discussion outcome will depend on the facts of the matter and the particular agencies which may be involved.

5.1.3. **Important note:** where there is an allegation of harm or a crime has been committed, please also refer to sections 8 and 9 below.

5.2. **Outcome where 5.5 (c) the allegation relates to poor or inappropriate behaviour**

5.2.1. In the course of an investigation, several elements may be followed:

- the Principal to liaise with the People Business Partner to arrange for an investigation to be conducted.
- enquires and assessment by social care about whether a child is in need of protection or in need of services;
- consideration by Ark Schools of disciplinary action in respect of the alleged individual.

5.2.2. Suspension during an investigation

The Principal, People Business Partner and Head of Safeguarding must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school during the investigation. In the case of the Principal being suspended from contact with children at the school until the allegation or concern is resolved, the People Business Partner would discuss with the Regional Director, Director of Education Primary or Secondary and Head of Safeguarding who would notify Head of Governance, Head of Communication and Chair of Governors. Please also refer to section 10.

5.2.3. The possible outcomes of an investigation could be:

- no further action
- professional advice and guidance
- disciplinary action
- dismissal either due to
 - risk of harm to children whereupon a barring referral must be made or
 - gross misconduct but no risk of harm to children
 - a finding of a false allegation
- the need to make further enquiries.

- 5.2.4. In some cases further enquiries will be needed to enable a decision about how to proceed. If so, the Regional Director, People Business Partner, Head of Safeguarding and the Designated Officer (LADO) should discuss with the Principal (where applicable) how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator.
- 5.3. **Outcome where 5.5 (d) the allegation is being handled under the disciplinary and/or capability procedures:** If the conclusion relates to 5.5 (d) above, an investigation will be initiated under the school's disciplinary and/capability procedures. Please contact your school's HR/Regional People Business Partner.
- 5.4. **Outcome where 5.5 (e) the allegation is clearly and demonstrably without foundation:** If the conclusion relates to 5.5 (e), the staff member should be told orally and in writing that the allegation is without foundation and no further action will be taken.

6. Informing the individual and others

- 6.1. The Principal should inform the member of staff against whom the allegation has been made against, about the allegation as soon as possible after consulting the Designated Officer (LADO), Head of Safeguarding and People Business Partner. If sharing the information with the member of staff will not impede or undermine any subsequent investigations, there should be no delay in doing so. At this early stage, it is advisable only to explain that an allegation of a child protection nature has been made. The detail of the allegation will be explained in the course of the investigation process, in accordance with Ark Disciplinary Policy.
- 6.2. The Principal will discuss with the Designated Officer (LADO) at the initial consideration stage on how to inform parents or carers of the allegation. Thereafter, parents/carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome.

7. If a referral to social care is required

- 7.1. As set out in section 5.5 (a), a referral is required:
- if a pupil has suffered, is suffering, or is likely to suffer significant or serious harm
 - a pupil alleges a criminal offence has been committed
 - where there is an allegation of a sexual nature

These referrals are managed in accordance with referral processes and thresholds established by the local safeguarding partners.

- 7.2. The Principal will liaise with the DSL when a referral to social care is required.

8. If a crime has been committed

- 8.1. As set out in section 5.5 (b), if a crime has been committed, and there is no reason to suspect significant harm, the Designated Officer (LADO) will immediately inform the police and organise a strategy discussion to decide if a police investigation is needed.
- 8.2. If it is not necessary to work with social care, but a police investigation is required, the Designated Officer (LADO) will then agree with the police, the school and any other agencies the nature of the allegation and how it should be addressed. The discussion will take place within one working day of the referral. The police will continue to monitor the case.

- 8.3. If the member of staff is not charged, the Principal and Designated Officer (LADO) will decide how to handle the case. If a charge is necessary, the police will inform the member of staff.

9. Suspension

- 9.1. Suspension is not automatic. Alternatives, such as leave of absence, transfer of duties and additional supervision will be considered. Suspension will only occur when evidence outlines that:
- a pupil is at risk
 - the allegation is so serious there is no alternative solution
 - suspension is necessary to allow the conduct of the investigation to continue unimpeded.
- 9.2. A discussion should take place with the staff member informing them verbally of their suspension. This should be followed up with a letter outlining the details. At this stage the full extent of the issues to be investigated may not be known but the staff member should be given some information about why they are being suspended. There should be no assumption of guilt associated with the suspension. Staff should be informed that they are suspended on full pay. Contact details of a named school representative will be provided for the staff member to discuss any concerns or progress of the allegation.

10. Record keeping and information sharing

Records

- 10.1. The Principal will record any allegation, concern and discussions on a permission only part of the Ark Safeguarding Monitor online recording tool. Records will be completed as soon as possible after the allegation. This includes:
- incident details
 - follow up action
 - how it was resolved
 - action taken
 - any sanctions
- 10.2. Even if no police or disciplinary action is taken, a record will be kept of the allegation on the Safeguarding Monitor online tool.
- 10.3. If the actions of the member of staff, and the consequences of the actions, do not raise credible allegation concerns, but do raise other issues in relation to the conduct of the member of staff or the pupil(s), this will be addressed in accordance with internal procedures.
- 10.4. Any information or referral forms submitted to the Designated Officer (LADO) or investigation agencies should be scanned into the file.

Information sharing: need to know

- 10.5. Other staff will only be informed on a 'need to know' basis. Notification may be delayed if the police believe it could prejudice an investigation. Those who will be told are likely to include:
- staff member;
 - pupil concerned and their parent(s)/carers;
 - individual making the allegation;
 - principal and regional director;
 - head of safeguarding and HR business partner;
 - head of communications;
 - designated officer (LADO) and investigating agencies

- 10.6. If a staff member's suspension results in disciplinary action, the investigating officer and members on the disciplinary hearing panel (if appropriate) will be given limited information.
- 10.7. The individuals outlined above will be informed of the outcome/actions of any meeting, as well as Ark's Education Directors, the Chair of the governing body and Safeguarding link governor (as necessary).

11. False allegations

- 11.1. If an allegation is found to be false, action will be taken to see if the person making the allegation is in need of services. If it is a deliberately malicious allegation made by:
- a pupil, the Principal will take action in line with the Behavioural Policy.
 - a staff member, it will be handled in accordance with the Disciplinary Policy – the police may also consider taking action in this situation.
- 11.2. If it is clear an allegation is false and /or unfounded, the accused staff member will be informed orally and in writing that no further action will be taken. The information on file will outline that the allegation was malicious.

12. Supporting those involved

- 12.1. Ark has a duty of care to employees and volunteers. The school aims to support the individual throughout the allegation process and will do all it can to manage and minimise stress. If the individual is external to the school, contact will be made with the relevant agency or service provider.
- 12.2. Information will be provided to the individual as soon as possible in line with the guidance set out in this procedure and throughout the allegation process. A named representative will be appointed to keep the individual informed of the progress of the allegation.
- 12.3. The member of staff may wish to contact their Trade Union Representative, if they have one, or a colleague for support. They should also be reminded about the confidential counselling support, which is available through the Employee Assistance Programme (section 14).
- 12.4. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. The staff member should be advised not to discuss the case with any staff members.

13. Employee Assistance Programme

- 13.1. The service is available 24 hours a day, 7 days a week, and 365 days a year and is accessible by phone, email, instant messaging and website. The service offers assistance with any work, personal or family issue and includes professional consultation, access to face-to-face counselling (up to six sessions), information, resources and referrals to local services. EAP can be accessed, in the following ways:

FREEPHONE: 0800 243 458
EMAIL assistance@workplaceoptions.com
WEBSITE www.workplaceoptions.com (Username: **Ark Schools**, Password: **employee**)
SMS (for call back): **07909 341 229**

- 13.2. Should medical advice and guidance be required this can be arranged through the school's HR officer, who will arrange for a referral to Ark's Occupational Health providers.

14. Confidentiality

14.1. It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Schools should take advice from Ark Central on:

- 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.

15. On conclusion of a case and exit arrangements: possible referrals required

If an allegation is founded, the KCSIE guidance should be consulted in conjunction with this procedure as to which referrals to professional bodies may be required.

15.1. Referral to Disclosure and Barring Service (BBS)

15.1.1. Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual. To satisfy the harm test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour, etc.
- For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in ‘relevant conduct’) would satisfy the harm test.
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has ceased working in a regulated activity, or would have been removed had they not left.

15.1.2. Where a teacher is dismissed or the school ceases to use the services of a teacher because of serious misconduct, or where a teacher might have dismissed or the school ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

15.2. Referral to Teaching Regulation Agency (TRA) for consideration

15.2.1. Where an allegation is substantiated and the member of staff is dismissed or resigns, school should consider referring the matter to the TRA for consideration for a prohibition order.

15.3. Referral to National College teaching Leadership (NCTL)

15.3.1. Teaching prohibition orders prevent a person from carrying out teaching work in schools. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

16. Lessons learnt

16.1. If there is a substantiated allegation against a member of staff, the Principal, Regional Director, Head of Safeguarding, People Business Partner and DSL will work with the Designated Officer (LADO) to identify any changes, lessons learnt and improvements which could be made to help prevent similar events in the future.

Appendix A

USEFUL CONTACT DETAILS (add details)

Position	Name	Contact details
Principal/Head of School	Mark Masters (Interim Head)	Ark Charter Academy, Hyde Park Road Southsea PO5 4HL T: 02392824204 m.masters@charteracademy.org.uk
Regional Director	Jane Fletcher	65 Kingsway, London WC2B 6TD T: +44 20 3116 7192 j.fletcher@arkonline.org
Executive Principal	Alison Downey	Ark Putney, Pullman Graden London SW15 T: 02087883421 a.downey@arkputneyacademy.org
Director of Primary	Venessa Willms	65 Kingsway, London WC2B 6TD T: +44 20 3116 7192 M: +44 (0)7958417703 Venessa.Willms@arkonline.org
Director of Secondary	Rebecca Boomer-Clark	65 Kingsway, London WC2B 6TD T: +44 20 3116 7192 M: +44 (0)7958417703 Rebecca.Boomer-Clark@arkonline.org
Head of Safeguarding	Joycelyn Thompson	65 Kingsway, London WC2B 6TD T: +44 20 3116 7192 M: +44 (0)7958417703 Joycelyn.Thompson@arkonline.org
Head of People Team	Caroline Hawkins	65 Kingsway, London WC2B 6TD T: +44 (0)20 3116 6393 M: 07392 861829 caroline.Hawkins@arkonline.org
Head of Governance	Liz Dawson	65 Kingsway, London WC2B 6TD T:+44(0)20 3116 0700 Elizabeth.dawson@arkonline.org
Head of Communication	Billy Cometti	65 Kingsway, London WC2B 6TD T: +44 (0)20 3116 0754 M: +44 (0)7545328910 Billy.Cometti@arkonline.org
People Business Partner	Karen Stant	65 Kingsway, London WC2B 6TD T: +44 (0)20 3116 6393 Karen.Stant@arkonline.org
Designated Officer (LADO)	Gill Burtwell	Civic Offices, Floor 4 core 5 Portsmouth City Council PO1 2BG Tel: 023 9284 1261 gill.burtwell@portsmouthcc.gov.uk
Designated Safeguarding Lead	Dean Jenkins	Ark Charter Academy, Hyde Park Road Southsea PO5 4HL T: 02392824204 d.jenkins@charteracademy.org.uk
Deputy Designated Safeguarding Lead	Donna Howe & Crina Parker	Ark Charter Academy, Hyde Park Road Southsea PO5 4HL T: 02392824204 D.Howe@charteracademy.org.uk C.Parker@charteracademy.org.uk

