

<b>Managing Allegations Against Staff and Volunteers policy and Procedures</b>	
<b>Date approved by Trustees</b>	April 2018
<b>Date for next review</b>	April 2020
<b>Compliance lead</b>	Director of People, Employee Engagement and PSTE
<b>Agreed Policy file name</b>	Managing Allegations Against Staff and Volunteers Policy and Procedure
<b>Agreed policy location:</b>	RMT website (public access) and RMT Information area\Policies and Procedures (internal access only)
<b>Provision-specific protocol or information</b>	None

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## **GLOSSARY OF TERMS:**

**Designated Officer [previously LADO]** - a position within the Local Safeguarding Children Board whose role is *to be involved in the management and oversight of allegations against people that work with children* - Working Together to Safeguard Children (2015).

The Designated Officer role covers paid, unpaid, volunteer, casual, agency and self-employed workers. They also capture concerns, allegations or offences emanating from outside of work. The Designated Officer is involved from the initial phase of the allegation through to the conclusion of the case.

They provide advice, guidance and help to determine whether the allegation sits within the scope of the procedures. The Designated Officer helps co-ordinate information-sharing with the right people and will also monitor and track any investigation, with the aim to resolve it as quickly as possible.

## **AIMS OF THE POLICY:**

The policy aims to follow the guidance contained in the Department for Education's Guidance, Keeping Children Safe in Education (September 2016) in which it states that:

- All Colleges should have procedures for dealing with allegations against staff
- Speed is a priority: 80 per cent of cases should be dealt with within a month, and for those cases where it is quickly clear that the allegation is unsubstantiated or malicious, they should be resolved within one week
- The alleged perpetrator should only be suspended if there is no reasonable alternative
- Malicious allegations should be grounds for disciplinary action
- Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references

## **APPLICABILITY**

This policy applies to all school/college staff working in any of the schools/colleges operated by regardless of the contractual basis of the engagement; including:

- Direct employment by the school/college under a contract of employment;
- Secondments (both to and from the school/college);
- Temporary assignments (both to and from the school/college); including Agency Workers, Employees engaged through the other Temporary Support Service, Work Placements, Apprentices and Trainees;
- Trustees /Non-Executive Directors;
- Employees acting on behalf of the schools/colleges as members of companies or voluntary organisations.

References to “staff” or “staff members” throughout this code are taken to include all of the above categories and any similar working arrangements.

References to the Provision Lead throughout this policy are taken to include Head Teachers in schools, College Principals in Colleges and Directors in the Central Services area.

## PROCEDURES:

NB for allegations concerning Shared Lives Providers, this policy should be read in conjunction with the current Shared Lives Provider Handbook.

Following an allegation against staff:

1. The management of any current or imminent risks to students/residents or staff will take priority
2. The person raising or receiving concerns should make an Alert using the Trust's Safeguarding Procedures. This will involve alerting the Safeguarding Manager or a Safeguarding Officer, who will inform the Provision Leader as soon as possible.  
**EXCEPT WHERE:**
  - *The allegation concerns the Safeguarding Manager, a close friend or relative; then they should take no part in the management of the allegation*
  - *The allegation concerns the Provision Leader, a close friend or relative; then the Safeguarding Manager should report instead to the Trust's Safeguarding Trustee*
3. Before any other staff are involved, the Provision Lead should decide, in consultation with the Safeguarding Manager, whether the circumstances merit external reporting using the following criteria - has the person concerned:
  - *behaved in a way that has harmed, or may have harmed an individual*
  - *possibly committed a criminal offence against or related to a student/resident; or*
  - *behaved towards a student/resident in a way that indicates that they would pose a risk of harm if they work regularly or closely with children or adults at risk?*

If the answer to any of these questions is yes, the Provision Lead or Safeguarding Manager should discuss the issue with either the Designated Officer or Safeguarding Adults Office, within one working day so they can consult police and social care services as appropriate.

4. If, following discussion with the Local Authority, a decision is made that no further safeguarding action be taken, both the Provision and Local Authority should record the reasons for this, and decide what action to take.
5. If further investigation is required, the Provision and Local Authority should together decide how and by whom the investigation will be undertaken. They should also determine how much information should be provided to the member of staff, and when.
6. Any internal investigation should be co-ordinated by the Safeguarding Manager and involve a representative from Human Resources and a member of the Senior Management Team. Nobody else should commence any investigation, or share information, except with the express permission of the Provision Lead.
7. Unless a safeguarding strategy discussion or police involvement is required, the provision should inform the member of staff about the allegation as soon as possible after consulting the Designated Officer or Safeguarding Adults.

## SUSPENSION

All options to avoid suspension should be considered prior to taking that step. The Provision Lead and Safeguarding Manager, in consultation with the human resources representative, and taking into consideration of any recommendations from the Local Authority and/or the police, should then decide whether the circumstances require the suspension of the member of staff, based on the following criteria:

- is there reason to suspect that a student/resident is at risk of immediate harm?
- does the allegation warrant investigation by the Police?
- is the allegation potentially grounds for dismissal?
- are there other factors that mean there is no reasonable alternative to suspension?

If the answer to all of these questions is no, then suspension is not appropriate. If the answer to any of these questions is yes, then the Provision should consider whether the result that would be achieved by suspension can be obtained by alternative arrangements (e.g. redeployment).

If there is no reasonable alternative to suspension, the member of staff should be suspended verbally, with written confirmation dispatched within one working day, giving a named contact and reasons for suspension. At this stage it may not be possible to provide complete details of allegations/reports due to procedural matters or on the instructions of other Authorities. There should be a written account to show the considerations and justification for the decision to suspend.

The Provision Lead, Human Resources Representative and staff member should agree how they will be supported whilst the allegation is investigated, including arrangements for communication and updates and expected timescales and likely course of action. The staff member should be advised to contact their trade union, if they are a member of one.

A member human resources team or the Safeguarding Manager should inform the alleged perpetrator's line manager as soon as is reasonably practicable that the member of staff has been suspended whilst an investigation is completed, without giving further details.

## INVESTIGATION

Where the Local Authority has agreed that an internal investigation is appropriate, this should be completed as promptly as possible. If not, the provision's role should be to provide assistance as requested by those undertaking the investigation. Where a member of staff is being investigated by the police, and especially where they are suspended, the Safeguarding Manager should obtain the target dates from police on which the progress of the investigation will be reviewed by the Crown Prosecution Service.

The provision and Local Authority should also determine:

- how much information should be provided to the alleged victim and/or parents and carers
- how much information should be provided to other members of staff, both those directly involved in the issue and others
- what can be done to manage speculation, leaks and gossip and

- what information, if any, should be provided to the wider community, including the press

The Safeguarding Manager and other relevant staff members should assess the support needs of the student/resident, and consider whether and what parents/family/carers should be informed of. The relevant member of the SMT/Education Learning Coordinator should be given as much information about the allegation as is necessary to facilitate appropriate support and accurate risk assessment for the student/resident, but no more.

On completion of the investigation, the Provision Lead or Safeguarding Manager should agree the next steps with the Local Authority.

Where an allegation leads to disciplinary action, the Local Authority should be informed of the outcome after the disciplinary hearing. This discussion should include consideration as to possible referral to the Disclosure and Barring Service (DBS), Registration Bodies and Regulatory Bodies.

If, at any point, the allegation is determined to be malicious, the Provision Lead should decide, following appropriate consultation, whether any disciplinary action is necessary against the person who made it. This may be through staff human resources processes and/or using the disciplinary and dismissal policy and procedure. The details of the malicious allegation should be removed from the personnel records of the person who had had the allegation made against them, however, a detailed report of how the allegation was investigated and actions taken should be kept on the confidential personnel file of the accused.

Where a member of staff is redeployed, dismissed, or resigns, the Human Resources representative and Safeguarding Manager should consult with the Designated Officer or Safeguarding Adults Office as to whether a DBS notification is required.

Where an allegation is found to be substantiated, the Provision Lead should discuss with the Designated Officer or Safeguarding Adults Office any steps that might be taken to prevent similar incidents in the future.

## **CONFIDENTIALITY**

The utmost care must be taken in order to maintain confidentiality and guard against unwanted publicity while the allegation is being considered as the Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of the staff member who has been accused.

The provision will take advice from the Designated Officer, police and children's/adult's social 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 a wider community to reduce speculation; and
- How to manage press interest if, and when, it should arise.