



# **Managing Allegations against Adults working within the Trust**

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## **Policy Statement**

The care and support of all children and young people is of paramount concern to the Odyssey Collaborative Trust. The Trust takes the day to day care of its pupils, staff and volunteers very seriously. The Trust recognises that for large parts of a pupils' early life, all adults working with children play a key and critical role in influencing and shaping their life; academically, socially and morally.

At Odyssey Collaborative Trust we are committed to safeguarding children and young people and we expect everyone who works for the Trust to share this commitment.

Anyone working within the Trust (employed, volunteering or on other placement) take all welfare concerns seriously and encourage pupils to talk to us about anything that worries them whilst recognising that children may not feel ready or know how to tell someone they are being abused, exploited or neglected, and/or they may not recognise their experiences as harmful.

The welfare of the child is paramount, and we will always act in the pupil's best interest.

Odyssey Collaborative Trust takes allegations very seriously against any adult working within the Trust and acknowledges that if concerns are not addressed as early as possible they can create unsafe working environments and leave staff and children increasingly vulnerable.

Anyone working within the Trust, children and young people and their parents/carers will be made aware of this policy and it will be available on the Trust's and Academies' websites for public access.

This Policy affirms that any allegations should be dealt with robustly, without prejudice and with the co-operation of external agencies where appropriate and necessary. This Policy should be read alongside:

- Odyssey Collaborative Trust Safeguarding Policy;
- Odyssey Collaborative Trust Site Specific Safeguarding Arrangements;
- Odyssey Collaborative Trust Staff Code of Conduct;
- Working Together to Safeguard Children July 2018;
- DfE Keeping Children Safe in Education September 2022;
- Local arrangements for managing allegations issued through the relevant Local Safeguarding Partnerships;
- The Children Act 1989 and 2004;
- The Children and Social Work Act 2017;
- The Education Act 2002.

This document follows statutory guidance from the Department for Education when carrying out duties relating to handling allegations of abuse against adults working within the Trust.

## **Responsibilities**

Every adult working within the Trust has a statutory responsibility to report all allegations of child abuse and to alert the Headteacher of the school (or CEO if the Headteacher is the subject of the allegation or not

available), if they suspect that child abuse may have occurred. Failure to report a child protection concern could result in disciplinary action.

The Headteachers and CEO are responsible for ensuring that employees are aware of their duty to report any allegation or concerns of a child protection nature. The failure to report may put a child at risk; or imply a breach of the employee's contractual duty.

### **Allegations against Adults Working within the Trust**

This policy should be followed in all cases where concerns are identified in relation to an adult working within the Trust which affects/could affect student welfare or may result in a potential safeguarding issue.

Concerns about colleagues in the context of pupil welfare and safeguarding may arise in a number of ways:

- poor attitude or practice that potentially impacts on the general well-being of children that need addressing (which could include but is not limited to: being over-friendly with children, having favourites, taking photographs of children on their mobile phone contrary to policy, engaging with a child on a one to one basis in a secluded area or behind a closed door or humiliating children);
- aspects of poor practice witnessed by others;
- adults speaking against the ethos of the school; and/or
- non-compliance with Trust's policies and procedures relating to safeguarding including the staff code of conduct.

There are criteria within national and local guidance that indicate when concerns must be discussed with outside agencies, especially the Local Authority Designated Officer (LADO). This is a statutory role which gives advice, support and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people and, if appropriate, vulnerable adults.

Trust procedures must not be confused with statutory investigations carried out by Social Care or the Police. Internal investigations must only be carried out once the Local Authority Designated Officer and Police have concluded their involvement or at their request and with direction from the CEO and HR Lead.

The following must be discussed with the Local Authority Designated Officer where it is alleged that anyone working within our schools, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The CEO/SIL must be notified first (prior to contact with the LADO) of any such concerns via the notification form SGF4 (Appendix 5) and will ensure that support is offered to all relevant parties, including the person against whom the allegation has been made.

It is acknowledged that concerns about adults working within the Trust will come from a variety of sources, sometimes other than from the person who may be the victim of any concerns. It is essential that all adults understand that no matter whether they are directly or indirectly affected by any concerns, they should be passed on.

## **Dealing with Allegations against Adults Working within the Trust**

### **Investigations**

There are three types of investigation:

- by Social Care and the Police;
- by the Police under criminal law; or
- by the Odyssey Collaborative Trust in line with staff disciplinary procedures.

If an allegation is made against an adult working within the Trust, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

In cases where concerns must be discussed with the LADO (see Appendix 1), an internal investigation cannot be initiated into an allegation against the adult until consultation has taken place with the LADO.

When an allegation of abuse is made against an adult working within the Trust there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection with appropriate referrals to social care or the police made through local referral pathways.

All allegations or concerns must be immediately reported to the Headteacher of the school who will act as the Case Manager or delegate this role to an appropriate member of staff (see appendix 7 for details of Case Manager allocation). If the Headteacher is the subject of the allegation you must notify the CEO. All information regarding any concern will be shared with the HR Lead (via Concern / Allegation in Relation to an Adult Working within the Trust Initial Notification Form – Appendix 5)

**Please see appendix 7 for specific lines of reporting and contact details – reference to Case Manager within the policy should be cross referenced with appendix table**

**For full details of procedure please refer to Odyssey Collaborative Trust: Managing Allegations against Adults Working within the Trust - Process for School Leaders / Case Managers document**

The Case Manager will apply common sense and judgement, deal with allegations quickly, fairly and consistently and provide effective protection for the child and support for the person subject to the allegation.

The Case Manager will also be responsible for contacting the LADO to share the information about the allegation and to discuss the next steps and;

- recording decisions (including the rationale behind them);
- informing all parties of next steps;

- discussing options for the person against whom the allegations are made with the CEO & HR Lead;
- attending, with the support of the Trust's HR Lead / CEO, any appropriate strategy meeting if and when called
- sharing any additional concerns relating to the welfare of other children in the community or the member of staff's family with the LADO and ensuring risk assessment is undertaken regarding the situation
- ensuring that all involved parties are updated with progress of the investigation, case progress and outcomes

The discussions with the LADO will help the Case Manager to know the best options to deal with the allegations. If the matter is to be dealt with internally within the school or setting, the Case Manager will, with the necessary support from the HR Lead, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

If the LADO feels that the matter needs a formal investigation external to the school or the Trust this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

Agreement must be reached with the LADO (and the Police / Children's Social Care if appropriate) and the HR Lead as to how information is shared and maintained with the adult concerned throughout the investigative process.

The Case Manager will keep a record of all agreed actions and the strategies used including the rationale behind them throughout the investigation process.

### **Supporting those involved**

The Odyssey Collaborative Trust has a duty of care to its employees and volunteers and will act to manage and minimise the stress inherent in the allegations process. Individuals will be notified of any concerns or allegations as soon as possible after the LADO referral and given an explanation of the likely course of action, unless there is an objection by Children's Social Care or the Police as advised by the LADO. The adult will be advised to seek support from a colleague which may include representation from their professional body and also the Trust Wellbeing Service.

The Case Manager will appoint a named person to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

Arrangements must be made by the Case Manager to notify the parents or carers of the child(ren) of the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or the Police or Social Care need to be involved, the Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed. Parents or carers should 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, will not normally be disclosed but the parents or carers of the child should be told the outcome in confidence.

Parents and carers must be made aware of the requirement to maintain confidentiality about any allegations made against a teacher whilst investigations are ongoing (Education Act 2002 section 141F paragraph 233-234).

It is extremely important that when an allegation is made all parties make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

### **Considering Suspension**

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved.

Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. Based on assessment of risk, alternatives must be considered by the Case Manager including those below, with the support of the HR Lead before suspending the adult for whom the allegation has been made against (and Appendix 6 - Consideration of Suspension Form must be completed and returned to the CEO and HR Lead):

- redeployment so that the individual does not have direct contact with the child(ren) concerned;
- providing another adult to be present when the individual has contact with children;
- redeployment to alternative work so the individual does not have unsupervised access to children;

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the Case Manager in consultation with the CEO and HR Lead. This should also include what alternatives to suspension have been considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation should be sent within one working day explaining the reasons for the suspension. This should include details of who the member of staff's named contact is within the Trust and their contact details.

It is important to note that suspension is a neutral act which can protect the interests of both parties and is not a presumption of guilt.

Particular care will be taken where the person is suspended to ensure they are kept informed of both the progress of their case and current work-related issues. The Trust will not prevent social contact with colleagues and friends unless such contact is likely to be prejudicial to the gathering and presentation of evidence.

It is important to note that the decision to suspend can be taken at any point during the investigation.

### **Supply and all contracted staff**

In some circumstances the Trust may have to consider an allegation against a member of staff not directly employed by them. Whilst not the employer of the contracted staff, the school should ensure the same procedures are carried out as for Trust employed staff or volunteers.

Any investigation / decision making should be made in collaboration with the employing agency, the Case Manager and the LADO. In no circumstances should an academy decide to cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome.

Agencies should be informed of the Allegations against Adults Working within the Trust Policy and procedures, be fully involved in any investigation and co-operate with any enquiries from the LADO, police and/or local authority children's social care.

### **Resignations**

If the accused person resigns, or ceases to volunteer, this should not prevent an allegation being followed up in accordance with the statutory guidance 'Keeping Children Safe in Education 2022'.

### **Outcomes**

Where a case has been referred to the LADO an outcome will be agreed at the end of the investigation:

**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; or

**Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

If the allegation is substantiated and the person is dismissed or the person resigns or otherwise ceases to provide their services, the Case Manager must discuss with the HR Lead whether the school will decide to make a referral to the DBS for consideration of inclusion on the barred lists; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager, with the support of the HR Lead will consider how best to facilitate that. The Case Manager will also consider how the person's contact with the child(ren) who made the allegation can best be managed if they are still a student at the school.

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and Case Manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

If an allegation is shown to be deliberately invented or malicious, the academy should consider whether any disciplinary action is appropriate in line with the School Behaviour Policy.

### **Referral to the DBS**

If an allegation is found to be substantiated and the member of staff is dismissed, resigns or otherwise ceases to provide their services to the school, or the school ceases to use the person's services, the school has a legal duty to make a referral to the DBS. For members of teaching staff at the school, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The school will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed, or is likely to harm, a child, or if they otherwise pose a risk of harm to a child.

### **Record Keeping**

Details of allegations that are found to have been malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations i.e. substantiated, unfounded and unsubstantiated, it is important that the following information is kept on the file of the person accused:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- A note of any action taken, decisions reached and outcome i.e., substantiated, unfounded or unsubstantiated
- A copy provided to the person concerned, where agreed by local authority children's social care or the police and
- A declaration of whether the information will be referred to in any future reference. (Guidance to be sought from HR Lead)

The record should be retained by the Trust for 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.

### **References**

Cases in which an allegation was proven to be false, unfounded, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

### **Learning Lessons**

For all cases, the Case Manager should consult with the LADO, CEO and HR Lead to fully consider the facts and determine whether any improvements can be made to policy or practice either within the specific academy or across the Trust to prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not the suspension was justified.

### **Non recent allegations**

Where an adult makes an allegation to a school or the Trust that they were abused as a child, the individual should be advised to report the allegation to the Police.

Non-recent allegations made by a child should be reported to the LADO in line with the relevant Local Authority non-recent allegations procedure.

Abuse can be reported no matter how long ago it happened, and any disclosures will be taken seriously by school and Trust staff.

### **Dealing with Low Level Concerns**

Providing a culture in which all concerns are shared responsibly and with the relevant staff, recorded and dealt with appropriately is critical to ensuring an open and transparent culture to enable us to identify concerning, problematic or inappropriate behaviour early, minimising the risk of abuse to any of our students and ensuring that all adults working with the Trust are clear about professional boundaries and act in accordance with these.

A low-level concern is not an insignificant concern, it simply means that the behaviour towards a child does not meet the harm threshold as set out in this policy and therefore does not require LADO intervention.

It is any concern, no matter how small and even if it causes no more than a sense of unease or 'nagging doubt' that an adult working within the Trust may have acted in a way that:

- is inconsistent with the staff code of conduct (including inappropriate conduct outside of work);
- is in breach of contractual terms and conditions;
- does not meet the allegation threshold or is otherwise not considered serious enough for a referral to the LADO

Examples of such behaviour could include:

- being over friendly with children;
- having favourites;
- taking photographs of children on a personal device contrary to school/Trust policy;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
- using inappropriate sexualised, intimidating or offensive language, or
- humiliating students

This includes any concerns regarding incidents involving other individuals associated with the member of staff (e.g. social care and/or police involvement with the family). All staff are obligated to discuss concerns of this nature with their direct line manager as per their contract of employment.

Such behaviour can exist on a wide spectrum from the inadvertent to thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

***It is important to remember that any concern should firstly be discussed with the CEO and then the LADO to determine whether the harm threshold has been met – this is not a decision that should be made without consultation.***

It is crucial that all low-level concerns are shared responsibly with the Headteacher, recorded in writing to include details of the concern, the context in which the concern arose, the action taken and the name of the person sharing the concern. These must be held confidentially, securely and in line with GDPR regulations.

Low-level concerns which are shared relating to supply staff and contractors should be notified to their employers, so that any potential patterns of behaviour can be identified.

Records should be reviewed by the Headteacher in order for any patterns of concerning, problematic or inappropriate behaviour to be identified. If concerns require action this should be through the LADO or HR Lead in consultation with the CEO and harm threshold procedures applied.

All low-level concerns must also be recorded on the Low-Level Concerns Form for each school for which the HR Lead will arrange access to for Headteachers and the CEO.

### **Maintaining this Policy and Procedure**

This policy and procedure will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable guidelines.

- Appendix 1** summarises the key responsibilities of the LADO
- Appendix 2** Useful Local Contacts
- Appendix 3** SGF4 Concern / Allegation in Relation to an Adult Working within the Trust Initial Notification Form
- Appendix 4** Suspension Consideration Form
- Appendix 5** Reporting Decisions

## **Appendix 1 – Key Responsibilities of the Local Authority Designated Officer**

- To coordinate the safeguarding and investigative process in response to allegations made against people working with children.
- To provide advice/guidance to employers or voluntary organisations.
- To liaise with police and other agencies including Ofsted and professional bodies such as the General Medical Council and the Teaching Regulatory Agency.
- To monitor the progress of referrals to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- attendance at or chairing strategy meetings and liaising with Chairs of strategy meetings (if not chairing); and
- To resolve any inter-agency issues.
- To collect strategic data and maintain a confidential database in relation to allegations.
- To disseminate learning from LADO enquiries through the children's workforce.
- To ensure that measures are in place to prevent further harm or abuse and that where required, referrals are made to the appropriate social care team

## Appendix 2 – Useful Contacts

### Odyssey Collaborative Trust

Role	Contact Details
HR Lead	a.breeze@odysseyct.org.uk
CEO	i.dewes@odysseyct.org.uk

### Designated Officers

Details can be found here: <https://www.derby.gov.uk/health-and-social-care/safeguarding-children/allegations-againststaffand-volunteers-who-work-with-children/>

### National Contacts

Agency	Contact Details
NSPCC Whistleblowing Advice Line	0800 028 0285
NSPCC Information Service	0808 800 5000
ChildLine	0800 1111
DBS Referral Helpline	0300 020 0190

**Appendix 3 - Concern / Allegation in Relation to an Adult Working within the Trust Initial Notification Form**

School	
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Details of adult for whom concerns have been raised	
Full Name	
Role	

Details of Young Person (if involves more than one pupil please use the pupil continuation sheet)			
Name of Child		D.O.B	
Year Group		Name of Parent / Carer	
Are they aware of the concern?		Contact Number	
Vulnerabilities of Young Person  (e.g. LAC, Child Protection History, SEND etc...)			

Consideration for contacting Designated Officer (If you answer yes to any of the questions below an initial discussion must be had with the Designated Officer)	
Has the person behaved in a way that has harmed, or may have harmed a child?	Yes / No
Has the person possibly committed a criminal offence against or related to a child?	Yes / No
Has the person behaved towards a child or children in a way that indicates they may pose a risk of harm to children?	Yes / No
Has the person behaved or may have behaved in a way that indicates they may not be suitable to work with children?	Yes / No

Source of Information			
Date of Concern / Incident		Time of Concern / Incident	

Case Manager (Headteacher)			
Role (if not Headteacher)			
Email Address			
Nature of concern / incident – Please ensure your report is clear and would be understandable to someone unconnected with the issue			









**1. Are children at risk?**

Is the allegation or concern so serious that there is no alternative but for the member of staff to be suspended? **YES / NO** (please provide details)

Can the member of staff be redeployed/undertake alternative work within the school or Trust so that the individual does not have direct unsupervised contact with children? **Y / N**

If **YES** please complete the following:

<b>How will this be achieved?</b>	<b>Who needs to know?</b>	<b>How will this be monitored?</b>

If No to the above, can another adult be present when the member of staff has contact with children? **Y / N**

If **YES**, please complete the following:

<b>How will this be achieved?</b>	<b>Who needs to know?</b>	<b>How will this be monitored?</b>

Is moving the child(ren) to classes where they will not come into contact with the member of staff an option - making it clear that this is not a punishment and parents informed/ consulted as appropriate? **Y / N**

If **YES**, please complete the following:

<b>How will this be achieved?</b>	<b>Who needs to know?</b>	<b>How will this be monitored?</b>

**2. Are staff at risk?**

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<b>3. Does the employee need protection?</b>
<b>4. Is the allegation, if proved, likely to amount to gross misconduct?</b>
<b>5. Could the School/Trust's reputation otherwise suffer unduly?</b>
<b>6. Any other appropriate concerns?</b>

<b>7. Decision Considerations</b>	
<b>Grounds for Suspension:</b>	<b>Alternative to Suspension:</b>
<input type="checkbox"/> working relationships have severely broken down <input type="checkbox"/> the employee could tamper with evidence, influence witnesses and/or sway the investigation into the allegation <input type="checkbox"/> there is a risk to others <input type="checkbox"/> Other - please specify/document in Q6 above	In considering the above, are any of the following practicable? (please circle)  Y / N - moved to a different site or role Y / N - working from home Y / N - changing their working hours Y / N - being placed on restricted duties Y / N - working under supervision

<b>8. Decision Summary</b>
<i>(Document rationale – balance of what is fair to the employee against the complaint/allegation, providing further detail in relation to considerations for alternative to suspension)</i>

<b>9. Decision Outcome</b>	<b>Suspend? YES / NO (please circle)</b>
If <b>YES</b> , practical arrangements to consider: <ul style="list-style-type: none"> <li>• Media/comms (internal and external)</li> <li>• IT</li> <li>• Records</li> <li>• Point of contact</li> <li>• Reviews e.g. every 2 weeks</li> <li>• Support – TU/EAP/Point of Contact</li> </ul>	If <b>NO</b> , any alternative arrangements? (please specify)

<b>10. Communication Plan</b>		
<b>Who needs to know?</b>	<b>What do they need to know?</b>	<b>How will it be communicated?</b>

<b>Signed:</b>	(Headteacher)
<b>Date:</b>	<b>Review Date:</b>

*Upon completion this form should be sent to HR Lead prior to action being taken.*

<b>Record of Review</b>		
Any suspension needs to be reviewed on a regular basis. Further considerations and actions must be recorded below:		
<b>Date</b>	<b>Summary of consideration / Decisions made</b>	<b>Action required (including who and by when)</b>

## Appendix 5 – Reporting Decisions

The Case Manager must be a member of the Senior Leadership Team or a member of staff more senior than the member of staff subject to the allegation and not directly involved – this **must not** be the DSL (unless they have direct line management responsibility for the member of staff subject to the allegation and not in their role as DSL).

**All Reporting Officers should liaise with the CEO and HR Lead immediately upon receipt of an allegation**

Allegation received Against	Report To	Case Manager	Contact Details
Members, Trustees, those on Local Governing Boards	Chair of Trustees/ CEO	Identified by Chair of Trustees/CEO	<a href="mailto:j.green@odysseyct.org.uk">j.green@odysseyct.org.uk</a> <a href="mailto:i.dewes@odysseyct.org.uk">i.dewes@odysseyct.org.uk</a>
CEO	Chair of Trustees	Chair of Trustees	<a href="mailto:j.green@odysseyct.org.uk">j.green@odysseyct.org.uk</a>
Member of Central Team or staff who work across multiple school sites	CEO	Identified by CEO	<a href="mailto:i.dewes@odysseyct.org.uk">i.dewes@odysseyct.org.uk</a>
Headteacher	CEO	Identified by CEO	<a href="mailto:i.dewes@odysseyct.org.uk">i.dewes@odysseyct.org.uk</a>
Member of School Based Staff	Headteacher	Headteacher / delegated appropriate senior member of staff	