



The Liverpool Joint Catholic and  
Church of England Academies Trust



# ALLEGATIONS AGAINST A MEMBER OF STAFF PROCEDURE

<b>Review Period:</b>	Two yearly
<b>Person Responsible For Policy:</b>	Trust Director of Finance and Resources
<b>Governing Committee:</b>	Trust Board
<b>Date of Governing Committee Approval:</b>	July 2017
<b>Date for Review:</b>	July 2019

## **1 Introduction**

- 1.1 This document provides the steps to take where there is an allegation of physical or sexual abuse against a member of staff in relation to an Trust student. The process described in this document is intended for use with both teaching and support staff. In this procedure, the term “parents” means all those having parental responsibility for a child.
- 1.2 The Trust recognises that any allegation is serious and needs to be dealt with in a sensitive, efficient manner. It is also important that those with responsibilities described in this procedure act without delay. All parties involved are likely to be distressed. Any disruption to the normal running of the Trust should be minimised.

## **2 Designated Safeguarding Lead**

- 2.1 The Head of School shall designate a member of staff to act as the Designated Safeguarding Lead (DSL) within the relevant Academy. The Head of School shall advise the Local Governing Body and all members of staff of the name of the Academy’s DSL and inform them of any changes.

## **3 Receiving an Allegation**

- 3.1 All allegations of physical or sexual abuse made against a member of staff in relation to a student must be reported to the DSL.
- 3.2 The DSL must make a written record (timed and dated) of what has been reported. If possible, the allegation should be written by the student or the person to whom the allegation was first made.
- 3.3 Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.
- 3.4 The DSL must not discuss the allegation with the accused person prior to reporting the matter to the Head of School.
- 3.5 In the event of the allegation being made against the Head of School/Executive Headteacher, the DSL is responsible for reporting the allegation to the Executive Headteacher/Chair of Trustees, who will undertake the role assigned to the Head of School throughout this procedure.

#### **4 Head of School's initial consideration of an allegation**

- 4.1 The Head of School, in consultation with the DSL, will decide whether any enquiries are necessary in order to decide whether or not to refer the matter to Social Services or the Police. The Head of School and the DSL will consider what information needs to be gathered and how it is to be obtained. Staff or students must not be interviewed. Third parties within the Trust may be asked, but not required, to write an account of their direct experience in relation to the allegation. The Head of School will also consult with the LADO (Local Authority Designated Officer) to ascertain appropriate actions.
- 4.2 Where the Head of School considers that a referral might be warranted under Child Protection Procedures, he will refer the matter accordingly without delay. Any alleged physical injuries must be investigated by the appropriate external agencies.
- 4.3 The Head of School may seek advice from appropriate agencies. These agencies include the Social Services, the Department for Education and the Police.
- 4.4 At this initial stage, the Head of School, in consultation with any external agencies, will decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.
- 4.5 If the Head of School decides to refer an allegation to the Social Services and/or the Police, any internal Trust enquiries should be held in abeyance until the Social Services/Police have indicated that they have no further involvement.

#### **5 If an external referral is decided**

- 5.1 The Head of School will contact the Duty Officer at the Social Services office or the Police, as appropriate, to report the allegation.
- 5.2 The Head of School will discuss with the Duty Officer what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.
- 5.3 The Head of School will inform the Chair of the Local Governing Body and the Executive Headteacher that an allegation relating to a member of staff has been referred. The Head of School will not describe the circumstances of the allegation to the Chair of Trustees at this stage.
- 5.4 The Head of School will prepare a standard response to queries by Trust parents and the media. The response will indicate that:

- i The matter is governed by procedures which the Head of School 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.
- 5.6 When inter-agency discussions take place, it is essential that the Head of School or a substitute attends.
- 5.7 When the appropriate agencies have completed their procedures, the Head of School may decide that an internal investigation should be carried out to establish whether or not the Trust's Disciplinary Procedure should be invoked. Any disciplinary investigation conducted by the Trust will follow the Trust's disciplinary procedure. Interviews with children will be kept to a minimum.

## **6 If an external referral is not made**

- 6.1 An external referral would not normally be made when the Head of School is satisfied that children are not at risk of significant harm or that a reportable criminal offence has not been committed.
- 6.2 An internal investigation will be carried out to establish the circumstances. If the Head of School/Investigating Office decides that disciplinary action may be appropriate, the Trust's Disciplinary Procedure will be invoked. Any disciplinary investigation conducted by the Trust must follow the Trust's disciplinary procedure. Interviews with children will be kept to a minimum.

## **7 Suspension of Staff**

- 7.1 Suspension will not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. Suspension is not a disciplinary action.
- 7.2 The disciplinary policy sets out the process for deciding whether or not suspension is appropriate. Where external agencies are involved, any decision on suspension will be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.
- 7.3 Staff who are suspended will be advised of who is their point of contact in

the Trust. Staff who are suspended will also be advised to contact their teacher association, trade union or other professional body.

## **8 Role of the Trust Board**

- 8.1 Members of the Trust Board will not normally become involved in child protection inquiries involving members of staff unless the Trustee is subsequently requested to participate under the Trust's Disciplinary Procedure.

## **9 Record keeping**

- 9.1 The DSL is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.
- 9.2 The DSL should also ensure that a record is maintained of the process followed in handling the allegation. The Head of School will verify the accuracy of that record.
- 9.3 These records must be stored securely.

## **10 Monitoring, Evaluation and Review**

- 10.1 The Trust Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and published throughout the Trust.