

# The GALLERY TRUST

A community of special schools

## Procedure for dealing with allegations against staff and volunteers.

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## **PART 1**

### **INTRODUCTION**

This procedure serves as the overarching procedure for The Gallery Trust, herein referred to as “The Trust”. Each establishment within the Trust will follow this procedure if an allegation is made against any staff member or volunteer who is based in one of the academies that is part of The Trust.

#### **1) Objectives**

1.1 The objectives of this document are:

- a. To set out the procedure that all staff, volunteers, supply staff, contractors, LAB members and Trustees must follow throughout The Trust if an allegation is made against them or a colleague.
- b. To demonstrate the Trust’s commitment to protect children.
- c. To meet the requirements of Keeping Children Safe in Education and Working Together to Safeguard Children

1.2 This procedure is the lead document for managing allegations within the Trust and applies to all site users, including staff, trustees, members, supply staff, volunteers, visitors, and contractors.

#### **2) Statement**

2.1 The Board of Trustees recognises its child protection and safeguarding responsibilities and will take all reasonable steps to fulfil these responsibilities.

2.2 The Trust believes that the safeguarding of the children is essential to the efficient operation of its establishments and the education of its students.

We recognise our moral and statutory responsibility to safeguard and promote the welfare of all children.

We make every effort to provide a safe and welcoming environment underpinned by a culture of openness where both children and adults feel secure, able to talk and believe that they are being listened to.

We maintain an attitude of ‘it could happen here’ where safeguarding is concerned.

The purpose of this policy is to provide staff, volunteers, LABs and Trustees with the framework they need to keep children safe and secure in our school and to inform parents and guardians how we will safeguard their children whilst they are in our care.

This is our internal Gallery Trust procedure, we follow KCSIE 2022 and our OCC and OSCB local procedures

### 3) Definitions

**Safeguarding and promoting the welfare of children** is defined for the purposes of this guidance as:

- protecting children from maltreatment.
- preventing impairment of children’s **mental and physical health** or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

**Child protection** is an aspect of safeguarding but is focused on how we respond to children who have been significantly harmed or are at risk of significant harm.

The term **staff** applies to all those working for or on behalf of the school, full time or part time, in either a paid or voluntary capacity. This also includes parents, governors, trustees, supply/agency staff, contractors etc.

**Child** refers to all young people who have not yet reached their 18<sup>th</sup> birthday. On the whole, this will apply to all pupils of our school; however, the policy will extend to visiting children and students from other establishments.

**Parent** refers to birth parents and other adults in a parenting role for example, adoptive parents, step parents, guardians and foster carers.

**Abuse** could mean neglect, physical, emotional or sexual abuse or any combination of these. Parents, carers and other people can harm children either by direct acts and / or failure to provide proper care. Explanations of these are given within the procedure document.

### 4) Acronyms:

CEO	Chief Executive Officer for the Trust
CoT	Chair of Trustees
DDSL	Deputy Designated Safeguarding lead for the school
DSL	Designated Safeguarding Lead for the school
DSM	Designated Safeguarding Manager for the Gallery Trust



	Alison Beasley
LAB	Local Academy Board
LADO	Local Authority Designated Officer for Oxfordshire County Council Jo Lloyd
LCSS	Locality Community Support Service
OCC	Oxfordshire County Council
OSCB	Oxfordshire Safeguarding Children Board
POT	Position of Trust meeting
RIB	Rapid Improvement Board
ST	Safeguarding Trustee for The Gallery Trust James Shryane

## 5) The aims

To provide staff with the framework to promote and safeguard the wellbeing of children and in doing so ensure they meet their statutory responsibilities.

To ensure consistent good practice across the school and Trust to ensure that safeguarding follows a whole Trust approach

To ensure allegations against staff or volunteers are dealt with in a consistent manner across The Trust and all schools within The Trust

## PART 2

### The process for dealing with allegations that meet the harm threshold

*This section is based on 'Section 1: Allegations that may meet the harm threshold' in part 4 of Keeping Children Safe in Education.*

The DSM for the Trust is available to support with any allegations or low level concerns that are reported. The DSM must be alerted to any allegations within the schools.

### 6) Thresholds for allegations

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer, LAB member, Trustee or contractor, 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 may 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 – this includes behaviour taking place both inside and outside of school

We will deal with any allegation of abuse as quickly as possible, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. However, please note that if the allegation hits the threshold for police or social care intervention The Trust has to let these agencies be the lead investigators which may increase the time it takes to investigate and conclude the process

### 7) Reporting an allegation

All allegations against staff and volunteers must be reported to the Head of School of the individual school.

If the allegation is against the Head of School, a member of The Trust, RIB, LAB or a Trustee then it must be reported to the DSM, who will alert the CoT or the ST. If the allegation is against the DSM then it must be reported to the CEO.

**All allegations must be referred to the LADO for an initial consultation before any investigation takes place and within 24 hours. Call 01865 810603 or email the LADO team: [lado.safeguardingchildren@oxfordshire.gov.uk](mailto:lado.safeguardingchildren@oxfordshire.gov.uk).**

The allegation must be reported using the LADO referral form. The duty LADO will then respond in writing with advice within 24 hours of receiving the report.

## 8) Case manager

The case manager\* will be decided by the headteacher of the individual school, or the DSO where the Head of School is the subject of the allegation.

The DSO will also identify a case manager if the allegation is against members of The Trust, RIB, LAB or Trustees. If the allegation is against the DSO then the CEO will be the case manager.

The headteacher of the individual school must inform the DSO of all allegations the DSO will alert the ST or the CoT to any allegations against a headteacher, or that lead to a suspension.

A 'case manager' will have oversight of the allegation and will appoint an appropriate investigator, either internally within the individual school or Trust, or may seek to appoint an external investigator to lead on the investigation.

Investigators will be identified as soon as possible.

Our procedures for dealing with allegations will be applied with common sense and judgement.

**\* The Head of School or the DSO may be the case manager, or they may determine that another colleague would be more appropriate to be the case manager, each case will be considered individually.**

## 9) Procedures for dealing with an allegation

In the event of an allegation the case manager will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below, for example view any available CCTV.
- Discuss the allegation with the LADO immediately or as soon as possible, but before taking any further steps. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the LADO –

for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police)

- Complete and return a LADO referral form to the Oxfordshire LADO team [Designated Officer \(LADO\) - Referral form \(docx format, 140Kb\)](#)
- Attend any POT or Strategy meetings as required
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will share these concerns with the LADO, the MASH or take advice from LCSS
- Consider suspension, see section 10.
- If immediate suspension is considered necessary, the rationale for this will be agreed with the LADO and recorded. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, the justification for this decision will be recorded and in consultation with the LADO, it will be agreed what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- If it is decided that further action is needed, the next steps will be agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- Support will be provided for the individual facing the allegation or concern, including:
  - a named representative from the Trust or individual school to keep them informed of the progress of the case and considering what other support is appropriate.
  - A named person to check on the individual's welfare whilst they are subject to the investigation (this must be a different person to the above)
  - Information and advice about the support available to individuals who are subject to an allegation, such as:
    - Contacting their trade union representative
    - The details for PAM employee assistance programme

- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with the LADO, children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – **no information will be shared regarding the staff member this has to remain confidential due to GDPR**)
- Make a referral to the DBS, where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

## 10) Suspension

Suspension of the accused will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

A suspension Risk Assessment (appendix 3) will be completed, as part of that assessment of risk we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing a level of appropriate supervision when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the trust

The case manager will seek views from the DSO, The Trust HR team and the LADO, as well as the police and children's social care where they have been involved, around suspension.

## 11) Secretary of state prohibitions

If the trust is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

The Trust will make referrals to the Teaching Regulation Agency when appropriate.

## **12) Additional considerations for supply teachers, agency staff and all sub-contracted staff**

If there are concerns around behaviour or an allegation is made against someone not directly employed by the trust, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- The case manager from the individual school will discuss with the agency whether it is appropriate to suspend the individual or redeploy them to another part of the school/trust.
- We will involve the agency fully, but the school/trust will take the lead in collecting the necessary information and providing it to the LADO and agency as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are considered (we will do this, for example, as part of the POT meeting or by liaising directly with the agency where necessary)
- When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's owner/manager/HR manager to meetings as appropriate.
- The agency will be seen as the "case manager", we will ensure all evidence and information is passed to them, but as the employer they will be responsible for investigating, determining an outcome and next steps.

## **13) Timescales**

We will deal with all allegations as quickly and effectively as possible and will endeavour to conclude any investigations in a timely manner.

However, cases where formal investigation, whether internal or by external agencies, need to take place this will increase the timescale.

Throughout the investigatory process we will ensure that the staff member who is subject to the allegation has regular welfare calls and is updated in relation to timescales.

## **14) Specific Actions**

Action following a criminal investigation or prosecution

The case manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

If the police close a case stating No Further Action, **this does not mean that there will not be further internal investigation**, a POT meeting will be requested to gather as much detail from the police as possible. An informed decision can then be made with the LADO around next steps, and the Trust's disciplinary process will be followed.

#### Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the trust will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the trust will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

#### If an individual resigns during a disciplinary procedure

See section 19

### **15) Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this. The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation if they are still attending the school.

### **16) Definitions for outcomes 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, or to cause harm to the 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 (this does not imply guilt or innocence)
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

#### Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the

child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate

- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **17) Confidentiality and information sharing**

The trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **18) Record keeping**

Details of allegations following an investigation 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, 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;
- notes of any action taken, and decisions reached and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### **19) Managing the situation and exit arrangements**

## Resignations and 'settlement agreements'

'Settlement agreements', by which a person agrees to resign if the employer 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, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children.

Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

We will not cease our investigations if the person leaves, resigns or ceases to provide their services. We will ensure that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

Wherever possible, we will ensure that we give the accused the full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available will continue even if the accused does not cooperate. We recognise the importance of coming to a conclusion based on the evidence that has been gathered. The person concerned will be notified of the conclusion of the allegations and sanctions that might be posed. Appropriate referrals will be considered and made, depending on the outcome that has been reached.

## **20) References**

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions.

## **21) Low level concerns**

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint

- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

## **22) Definition of low-level concerns**

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- 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
- Sharing personal mobile numbers with children
- Social media use

Please refer to our low level concern policy for full details on managing a low level concern.

## **23) Non-recent allegations (historic)**

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police, and we will report the allegation to the LADO.

If the person is still employed part 2 of this policy will be followed.

## **24) Whistleblowing**

All staff at Orion Academy School should be made aware of the organisation's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

## **25) Roles and responsibilities for Local Authority Designated Officers**

Oxfordshire have a team of LADO's, to:

- Assesses and reviews the referrals and decides if an Allegation Against staff and Volunteer's threshold is met.
- Manage and have oversight of individual cases.
- Provide advice and guidance to employers and voluntary organisations.
- Liaise with the police and other agencies.
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.
- Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA) and regulatory bodies such as Ofsted, the General Medical Council (GMC), Health and Care Professions Council (HCPC) and Nursing and Midwifery Council (NMC) etc.

3.4 It is important to be aware that LADOs do not carry out investigations into allegations and need to remain impartial. The responsibility for the investigation remains with the employer (or whoever is commissioned by the employer to investigate the process) and/or the police. The LADO can provide advice and, where necessary, co-ordinate the process.

The Gallery Trust Allegation management flowchart

