

## SPTA Dealing with allegations against staff

### Key points

- This guidance is intended to support SPTA Academies in managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in School Partnership Trust Academies (SPTA) 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 he or she would pose a risk of harm if they work regularly or closely with children.
- This guidance relates to members of staff who are currently working in SPTA regardless of whether their place of work is where the alleged abuse took place.
- Allegations against a teacher who is no longer teaching should be referred to the police.
- SPTA has a duty of care to employees. We should provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.
- Any allegation of abuse made against a teacher or other member of staff or volunteer in SPTA should be dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- In the first instance, the Principal (or Chair of the Education Advisory Body, if the allegation relates to the Principal) should immediately discuss the allegation with the LADO.
- The Principal or Education Advisory Body (EAB) Chair should contact SPTA HR and their Regional Director of Education to inform them of the allegation and relevant information relating to the case to date (e.g. guidance from the LADO).
- Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Officer (LADO) should be informed of all allegations that come to an Academy's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.
- Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.
- The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice through SPTA's Occupational Health provision.
- 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.
- It is extremely important that when an allegation is made, the Academy makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same Academy (where that identification would identify the teacher as the subject of the allegation).
- The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any

section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

- Details of allegations that are found to have been malicious should be removed from personnel records.
- Cases in which an allegation was proven to be false, unsubstantiated, unfounded 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, unfounded or malicious should also not be included in any reference.
- For all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children
- If an accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance.
- If an accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement agreement.
- **There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**