



Dealing with Allegations Against Staff and Volunteers

The Satkaarya Trust

Produced in line with Juvenile Justice Act (2015)

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1. Introduction

1.1 Despite all efforts to recruit and manage safely there will be occasions when allegations of abuse by staff or volunteers against children are raised.

1.2 It is essential that any allegation of abuse made against a teacher or other member of staff (including supply staff, volunteers or a governor/Trustee of the Trust) is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation.

2. Thresholds for allegations

2.1 These procedures should be applied when there is an allegation that any person who works in regulated activities with children, in connection with their employment or voluntary activity, with the children's workforce 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.**
- **Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.**
- **Behaved or may have behaved in a way that indicates they may not be suitable to work with children.**

2.2 Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual.
- 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence.
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.
- Possession of indecent images/pseudo-photographs of children.

2.3 In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or indecent images of children. As a parent or carer, their own child becomes subject to child protection procedures and/or they and their family become involved with social services for safeguarding reasons.
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- Is closely associated with someone in their personal lives (e.g. partner, member of the immediate family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

2.4 It is also important to note that, whilst not specifically covered by statutory guidance, the risks associated with the wider family and close associates of the member of staff may also need to be considered.

2.5 This policy should also be followed where allegations are made against a 16 and 17-year-old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities or undertaking training and work placements.

2.6 The policy for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out by the Juvenile Justice Act (2015) or may do so without warranting consideration of either a police investigation or child protection enquiries by local authority like CWC & DCPO. In these cases, **The Satkaarya Trust** would follow their safeguarding and other relevant policies to resolve cases without delay.

The difference between an allegation and a low-level concern

2.7 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children. Issues that do not meet this threshold may constitute conduct, performance or disciplinary issues and should be addressed by **The Satkaarya Trust** through the appropriate organisations policies. If in doubt, **The Satkaarya Trust** will consult with the **Child Welfare Committee**

2.8 If it is difficult to determine the level of risk associated with an incident **The Satkaarya Trust** will consider:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
 - Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
 - Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
 - Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by the employer?
 - Have similar allegations previously been made against the employee – is there a pattern developing?
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2.9 Incidents which fall short of the threshold could include an accusation that is made second or third hand (by someone who did not witness the alleged incident) and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.

2.10 Whether an incident constitutes an allegation and hence needs to be dealt with through these policies, may need to be discussed between the Child Welfare Board and **The Satkaarya Trust**.

3. Roles and Responsibilities

Roles and responsibilities for all organisations

3.1 Allegations about staff should be reported to the Trustees or the Managing Trustee OF **The Satkaarya Trust**.

The Satkaarya Trust will:

- Seek advice from the Child Welfare Committee where it is unclear whether it is an allegation or a low-level concern.
- Report all allegations of harm to the Child Welfare Committee and Police within 24 working hours of when the incident occurs and or when the disclosure is made.
- Where a child contacts the Child Line and external agencies or the police become involved before **The Satkaarya Trust** is aware of a concern or allegation, **The Satkaarya Trust** will cooperate fully with the agencies and police.

4 Whistleblowing

4.1 All staff at **The Satkaarya Trust** should be made aware of the organisation's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

5 Volunteers and contracted personnel

5.1 In some circumstances **The Satkaarya Trust** may have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, volunteers or contracted staff provided by an employment agency or business.

5.2 Whilst **The Satkaarya Trust** are not the employer of volunteers they will endeavour, as far as is reasonably practicable, to see allegations are dealt with properly.



6. Responding to an allegation or concern – the role of the employer

6.1 An allegation or concern raised about a member of staff may arise from a number of sources, for example, a report from a child, a concern raised by another adult in the organisation or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

Initial action by person receiving or identifying an allegation or concern.

6.2 The person to whom an allegation or concern is first reported should treat the matter seriously, confidentially and keep an open mind. They should not:

- Investigate or ask leading questions.
- Make assumptions or offer alternative explanations.
- Promise confidentiality to the victim, complainant, witnesses or anyone else involved.

They should

- Make a written record of the information (where possible in the child's/adult's own words), including the time, date and place of incident/s, persons present and what was said
- Sign and date the written record.
- Immediately report the matter to the Managing Trustees or where the Managing Trustee is the subject of the allegation, report to the Trustees.
- **Trustees of The Satkaarya Trust** will undertake an immediate risk assessment which involves ensuring immediate safety of the child and/or children and seeking medical attention if required.

7 Initial action by Trustees

7.1 When informed of a concern or allegation, Trustees of **The Satkaarya Trust** will not investigate the matter but will appoint a Case Manager. The Case Manager will:

- Gather initial information and liaise with the police and Child Welfare Board
 - Obtain written details of the concern/allegation, signed and dated by the person receiving it (not the child / adult making the allegation or the alleged person)
 - Record any information about times, dates and location of incident/s and names of any potential witnesses.
 - Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
 - Appoint necessary staff or cover if required.
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8 Notification to the Child Welfare Board within one working day of an allegation

8.1 The Case Manager will inform the Child Welfare Board within one working day, or as soon as is reasonably practicable, after an allegation is made and prior to any further investigation taking place. A failure to report an allegation could place a child at further risk of harm.

8.2 If it is outside of normal working hours and there is an immediate risk to a child/ren the **The Satkaarya Trust** Case Manager will call the Child Welfare Board and the Police, if necessary.

8.3 **The Satkaarya Trust** Case Manager will carry out a risk assessment. This will include ensuring safety, identifying a safety plan and any potential organizational risk.

9 Notification to other external organisations

9.1 **The Satkaarya Trust** Case Manager will notify other relevant statutory authorities and external bodies in accordance with good practice and relevant legislation e.g. Childline, CWC or the Police.

9.2 In order to preserve confidentiality, all reports to external organisations will be made on a 'need to know' basis and with strict regard to confidentiality.

10. Suspension or periods of paid leave

10.1 **The Satkaarya Trust** will not suspend a member of staff without serious consideration and will not do it automatically when an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working.

10.2 **The Satkaarya Trustees** are responsible for the decision to suspend an employee but will listen to the views of the police and Child Welfare Board regarding suspension. In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

10.3 If a member or staff/volunteer or trustee or Managing Trustee is connected to an individual against whom an allegation has been made, in most cases it would be considered prudent for the member of staff/volunteer or Trustee to be offered a period of paid leave whilst the matter is investigated. This period of paid leave should be for initially a period of two weeks after which the situation should be reviewed, with further paid leave arranged if deemed appropriate.



11. Outcomes Following an Investigation

The following definitions should be used when determining the outcome of allegation investigations:

Substantiated allegations

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

Malicious

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

False allegations

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.

Unsubstantiated allegations

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded

The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

12. Outcome Letter

12.1 The Satkaarya Trust will confirm the outcome and recommendations in writing to the subject of the complaint and send a copy of the letter to the Child Welfare Board

13 References

13.1 In cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious, this will not be included in **The Satkaarya Trust** references.

13.2 Substantiated allegations will be included in references, provided that the information is factual and does not include opinions.



14 Record keeping in relation to the outcome of an investigation

14.1 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 i.e substantiated, unsubstantiated etc
- 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.

14.2 Where records contain information about allegations of sexual abuse, these will be preserved for the Independent Inquiry for the term of the inquiry. **The Satkaarya Trust** 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.

15 Substantiated Outcomes

15.1 If the allegation is substantiated and the individual is dismissed or **The Satkaarya Trust** ceases to use their services, or the individual resigns or otherwise ceases to provide their services, **The Satkaarya Trust** will make a referral to the police for consideration of whether inclusion on the barred lists is required.

15.2 If the individual concerned is a member of teaching staff, **The Satkaarya Trust** will consider whether to refer the matter to the District Education Officer or any other relevant authority at the time of the event to consider prohibiting the individual from teaching.

16. Disciplinary or Suitability Process and Investigation

16.1 The Case Manager, together with Trustees and funding organisations, should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset that a police investigation or local authority children's social care services enquiry is not necessary or
 - **The Satkaarya Trust** is informed by the police that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.
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16.2 The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or other relevant bodies
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings.

17 Resignations

17.1 Every effort should be made to reach a conclusion in all cases even if the individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations.

17.2 '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.

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

17.4 **The Satkaarya Trust** will not cease investigations if the person leaves, resigns or ceases to provide their services. They 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.

18 Returning to work

18.1 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager and Trustees will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. The Case Manager/Trustees will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school or home.

19. General responsibilities when investigating an outcome

Support to the child and family involved.

19.1 **The Satkaarya Trust**, will consider the impact on the child concerned and provide support as appropriate. Liaison between all concerned parties should take place so that the child's needs are addressed.



Keeping parents/carers and children informed

19.2 The **Satkaarya Trust** will inform the parents of the child/ren involved of the allegation and the process that is being followed unless this will impede the disciplinary or investigative processes.

19.3 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

Responsibilities to employees/volunteers alleged to have caused harm

Support to the subject of the complaint

19.4 As soon as possible after an allegation has been received, the subject of the complaint should be advised to arrange legal representation.

19.5 Trustees/funding organisations should be consulted at the earliest opportunity in order that appropriate support can be arranged.

Keeping the subject of the complaint informed

19.6 Subject to restrictions on the information that can be shared, **The Satkaarya Trust** should, as soon as possible, inform the accused person about the nature of the allegation, and the process to be followed.

19.7 If the matter is subject to police involvement, the police should be consulted prior to any discussion with the accused so criminal investigations are not compromised.

19.8 The accused member of staff should:

- Be treated fairly and honestly and helped to understand the processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- If suspended, be kept up to date about events in the workplace.

20 Confidentiality

20.1 Every effort should be made to maintain confidentiality while an allegation is being investigated or considered. This includes staff involved and parents/carers. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know, in order to protect children, facilitate enquiries and manage related disciplinary or suitability processes.



20.2 Any alleged breach of confidentiality by staff members or representatives of Satkaarya School, whether through social media, gossip or any other media, will be considered potential gross misconduct and be dealt with in accordance with the disciplinary process.

21. Non-Recent (Historic) allegations

21.1 Where an adult makes an allegation of a non-recent nature to **The Satkaarya Trust** that they were abused as a child, **The Satkaarya Trust** will advise the individual to report the allegation to the police, and then report the allegation to the Child Welfare Board

22. Low Level Concerns

22.1 This section applies to all concerns (including allegations) about members of staff, including volunteers and contractors

Definition of low-level concerns

22.2 The term 'low-level' concern is any concern, no matter how small, that an adult working in or on behalf of **The Satkaarya Trust** 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 Child Welfare Committee or police.

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

Sharing low-level concerns



22.3 | **The Satkaarya Trust** recognises the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

22.4 All staff are required to report low level concerns to the Managing Trustee or Trustees (if the concern is connected to Managing Trustee).

Responding to low-level concerns

22.5 The Managing Trustee or Trustees will collect all available evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously.
- To the individual involved and any witnesses

22.6 The information collected will then be used to categorise the type of behaviour and determine any further action, in line with the staff Code of Conduct.

22.7 If the concern is of a safeguarding nature, liaison with the Child Welfare Board or police

Record keeping

22.8 All low-level concerns at **The Satkaarya Trust** will be recorded. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

22.9 **The Satkaarya Trust** records will be:

- Kept confidentially.
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold.
- Retained at least until the individual leaves employment at the school

22.10 Where a low-level concern relates to a volunteer or contractor, | **The Satkaarya Trust** will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

23 Policy review

23.1 This policy is not contractual and may be reviewed or amended in the light of best practice, changes in legislation or the specifics of a case.