



**Brontë Academy Trust**  
Great schools. Inspirational people. Strong foundations.

# **Bronte Academy Trust**

## **Allegations of Abuse Against Staff**

### **Policy**

<b>Reviewed By</b>	<b>Approved By</b>	<b>Date of Approval</b>	<b>Version Approved</b>	<b>Next Review Date</b>
Working Party	JB	9 Jan 17		9 Jan 19
GH	JB	13 Jan 20		13 Jan 22
DH	Working Party	13 <sup>th</sup> Dec 22		13 <sup>th</sup> Dec 23
DH	Trustees	28 Jan 25		28 Jan 26
DH	Trustees	24 March 26		24 March 27

## **Contents**

### **Statement of Intent**

1. Legal framework
2. Scope of this policy
3. Staff covered by this policy
4. Roles and responsibilities
5. Reporting concerns and allegations
6. Initial response
7. Confidentiality
8. Suspension
9. Supporting those involved
10. Outcomes
11. Referral to the DBS
12. Criminal investigation
13. Unsubstantiated, unfounded, false or malicious allegations
14. Returning to work
15. Resignations
16. Record keeping
17. References
18. Non-recent allegations
19. Monitoring and review

## **STATEMENT OF INTENT**

Bronte Academy Trust takes its responsibility of care for pupils seriously. We will thoroughly and swiftly investigate allegations of abuse against staff – this will be done applying common sense and judgement, in a fair way that does not prejudice either the pupil or the member of staff, and with effective protection for the pupil and support for the person subject to the allegation. This policy will apply to concerns or allegations against those working in or on behalf of the Trust in a paid or unpaid capacity, including supply teachers, volunteers and contractors.

Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

# 1. LEGAL FRAMEWORK

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- Sexual Offences Act 2003
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Voyeurism (Offences) Act 2019
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2025) 'Keeping children Safe in Education 2025'
- DfE (2023) 'Working Together to Safeguard Children 2023'

This policy operates in conjunction with the following Trust policies:

- Child Protection and Safeguarding Policy
- Low-level Safeguarding Concerns Policy
- Disciplinary Policy and Procedure
- Staff Code of Conduct
- Data Protection Policy
- Behaviour Policy
- Safer Recruitment Policy

# 2. SCOPE OF THIS POLICY

**NB. "Child" refers to anyone under the age of 18**

This policy covers the process for dealing with allegations that meet the harms threshold, which are allegations where it is alleged that anyone working at Bronte Academy Trust, including supply teachers, volunteers (including Governors, Members and Trustees) and contractors, 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 that they pose/may pose a risk to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children, including transferable risk, i.e. behaviour that may have happened outside of school that might make the individual unsuitable to work with children

Procedures for managing allegations that do not meet the harms threshold (also known as ‘low-level concerns’) are not covered in this policy.

Low-level concerns will not be viewed as insignificant, but as concerns that do not meet the harms threshold set out above. A low-level concern is any concern that an adult working in or on behalf of the Trust may have acted in a way that:

- Is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work.
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority designated officer (LADO).

If the Trust has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO’s advice will be consulted.

For the purpose of this policy **“allegation”** refers to allegations that meet the harms threshold.

### **3. STAFF COVERED BY THIS POLICY**

This policy covers allegations against those working in or on behalf of the Trust in a paid or unpaid capacity, including members of staff, supply teachers, volunteers and contractors.

In some cases, the Trust will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff provided by an employment agency, where the Trust’s disciplinary procedures do not fully apply because agencies will have their own procedures.

In these cases, the Trust will ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all the necessary information. Under no circumstances will the Trust decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with LADO to determine a suitable outcome.

Any supply agencies used by the Trust will be informed of the Trust’s process for managing allegations. The Trust will also take account of the agency’s policies and their duty to refer to the DBS as personnel suppliers.

For the purposes of this policy **“member of staff”** refers to staff, supply staff, volunteers and contractors.

### **4. ROLES AND RESPONSIBILITIES**

The Trust Board will be responsible for:

- Ensuring that the Trust complies with its duties under the above child protection and safeguarding legislation
- Guaranteeing that all policies, procedures and training opportunities in the Trust are implemented effectively
- Ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities in regard to safeguarding children

- Ensuring welfare support is put in place for staff subject to allegations
- Making the final decision as to whether a member of staff subject to an allegation should be suspended

The next line of governance accountability will be responsible for acting as the case manager for allegations.

The case manager will be responsible for:

- Conducting a basic enquiry as soon as an allegation is reported
- Leading investigations into allegations
- Working with the LADO when dealing with allegations

The Designated Safeguarding Lead (DSL) will be responsible for:

- Making referrals to children's social care services (CSCS) and/or the police where necessary
- Looking after the welfare of pupils involved in an allegation and ensuring they are not at risk

The LADO will provide advice and guidance to the Trust when considering allegations. Their role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out.

## **5. REPORTING CONCERNS AND ALLEGATIONS**

Staff must report allegations without delay, in line with the following reporting lines:

- Allegations regarding another member of staff will be reported to the headteacher
- Allegations regarding the headteacher will be reported to the CEO and reported directly to the LADO

Where there is a conflict of interest in reporting the allegation to the headteacher, staff will report the concern directly to the CEO.

Where a pupil makes a disclosure to a member of staff about the behaviour of another member of staff, staff must follow the reporting lines above.

Once the allegation has been made, a case manager will be assigned to lead the investigation. The case manager will be the next line of governance or, where the headteacher is the subject of an allegation, the CEO.

## **6. INITIAL RESPONSE**

Where an allegation has been made that a child has been harmed, there may be an immediate risk of harm to a child, or an emergency situation has arisen, the Children's Social Care Services (CSCS) and, as appropriate, the police will be contacted immediately. These reports will be made in line with the Trust's Child Protection and Safeguarding Policy.

When responding to an allegation, the Trust will ensure that it considers the following aspects:

- Looking after the welfare of the child
- Investigating and supporting the person subject to the allegation

Before contacting LADO, the case manager will conduct a basic enquiry in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation. During this basic enquiry, the case manager will ensure they collect any information that they will be required by the LADO and will be careful not to jeopardise any potential future police investigation.

Once the case manager has conducted the basic enquiry, they will contact the LADO. The case manager and LADO will discuss the nature, content and context of the allegation and decide if:

- No further action is needed
- A strategy discussion should take place
- There should be involvement from the police and/or CSCS

Where the case manager is concerned about the welfare of other children in the community or the staff member's family, they will discuss these concerns with the DSL and conduct a risk assessment of the situation. Where necessary, the DLS will make a referral to CSCS.

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the allegation includes behaviour outside of school, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

### **No further action**

Where the initial assessment leads to no further action, the case manager and LADO will:

- Record the decision and justification for it
- Agree on what information should be put in writing to the individual concerned and by whom

### **Strategy discussion**

If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion involving the police and / or CSCS will be convened. Strategy discussions will take place in line with the 'Working Together to Safeguard Children' statutory guidance. For allegations regarding physical contact, e.g. restraint, the right to use reasonable force in line with the school's Physical Intervention Policy will be taken into account.

CSCS will convene the meeting to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering or likely to suffer significant harm. A representative of the Trust may be invited to the meeting.

The discussion will be used to:

- Seek, share and analyse available information
- Agree the conduct and timing of any criminal investigation
- Decide whether enquires under section 47 of the Children Act 1989 must be undertaken

## **Investigation**

Where it is clear that an investigation by the police or CSCS is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss the next steps with the case manager.

Where further enquires are required to enable a decision about how to proceed, the LADO and case manager will discuss how the investigation will be undertaken and who should conduct it. In most cases, if the investigation requires it, the allegation will be conducted by an independent investigator.

The case manager will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment where possible. Dates of subsequent reviews will be set at the review meeting, if the investigation continues and will be conducted at least at fortnightly intervals.

## **Informing the member of staff**

The decision of when to inform will be considered carefully on a case-by-case basis, considering guidance from the LADO as required and CSCS and the police if involved. The member of staff subject to an allegation should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where the allegation needs to be reported to CSCS and / or the police, the case manager will seek advice from the LADO, CSCS and police, as appropriate regarding what information can be shared.

## **Supply staff**

Where an allegation relates to a member of supply staff, the agency will be fully involved and cooperate with any enquiries from the Trust, LADO, police and / or CSCS. In these cases, the Trust will usually take the lead as the agency will not have direct access to the required information.

The Trust will not decide to stop using a member of supply staff due to safeguarding concerns without first finding out the facts and liaising with the LADO to determine a suitable outcome.

The Trust will ensure that the allegations management meeting, which is often arranged by the LADO, addresses issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the Trust during the investigation.

## **Organisations or individuals using Trust premises**

Where the individual schools receive an allegation relating to an incident that happened when an individual or organisation was using the premises for the purposes of running activities for children, e.g. community groups or sports associations, the school will inform the LADO and ensure appropriate steps are taken to keep pupils safe and ensure that the allegation is subject to a proper investigation.

## **7. CONFIDENTIALITY**

The case manager and LADO will discuss what information will be shared and with whom, alongside which actions will be taken to manage any possible breaches of confidentiality or press interest.

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

In circumstances where the Trust needs to make parents aware about an allegation, it will ensure parents and others are aware that there are restrictions on publishing information.

Breaches in confidentiality will be taken seriously and may warrant a separate investigation.

The Trust will not provide the media with any information regarding an allegation.

## **8. SUSPENSION**

The Trust will ensure that suspension will never be an automatic response when an allegation is reported, and all options to avoid suspension will be considered prior to taking that decision.

The case manager will carefully consider whether the circumstances warrant suspension from contact with children at the individual school, or until the allegation is resolved. Suspension will be considered only in cases where there is cause to suspect a pupil or other pupil at the Trust is / are at harm, or the case is so serious that it might be grounds for dismissal.

The case manager will seek advice from the Trust's Human Resources (HR) provider and the LADO, as well as the police and CSCS where they have been involved. The following options will be considered by the case manager before suspending a member of staff:

- Redeploying the member of staff within the Trust so that they do not have direct contact with the pupil or pupils concerned
- Providing an assistant to be present when the individual has contact with pupils

- Redeploying the member of staff to alternative work in the Trust so the individual does not have unsupervised access to pupils
- Moving the pupil or pupils to classes where they will not come into contact with the member of staff – this decision will only be made if it is in the best interests of the pupil or pupils involved and takes account of their views
- Temporarily redeploying the member of staff to another role in a different location across the Trust.

Where a strategy discussion, or initial assessment, concludes that there should be enquiries by CSCS, and / or an investigation by the police, the LADO will seek the views of the police and CSCS regarding whether the member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff. The decision to suspend will be made on a case-by-case basis following a risk assessment of whether the person poses a risk of harm to children.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for this decision, alongside the alternatives to suspension that were considered and why they were rejected.

Where suspension is deemed necessary, written confirmation will be given to the member of staff within one working day where possible, which will provide as much detail as appropriate for the reasons for the suspension. The member of staff will be told immediately who their named contact is within the Trust for the period of their suspension.

Where an allegation relates to a member of supply staff, the Trust board will discuss with the supply agency or agencies where the member of staff is working across a number of schools, whether it is appropriate to suspend the individual or redeploy them to another school in the Trust, whilst an investigation is carried out.

Where the Trust is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works for the Trust, immediate action will be taken by the Trust to ensure the individual does not carry out work in contravention of the order, i.e. not carrying out teaching work, pending the findings of the Teaching Regulation Agency (TRA) investigation.

## **9. SUPPORTING THOSE INVOLVED**

### **Pupil and parents**

The welfare of the pupil(s) involved in an allegation will be paramount. Pupils involved will be fully supported in line with the Child Protection and Safeguarding Policy.

The parents of the pupil(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents would put the pupil at further risk. The case manager will work with the LADO to agree who should be informed about the allegation.

Parents will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

Parents will be kept informed about the progress of the allegation, including the outcome and any action taken.

### **Staff who report an allegation**

The Trust will ensure that all staff feel equipped and supported to report any allegations or concerns.

### **Staff subject to an allegation**

The Trust will ensure that all staff feel equipped and supported to report any allegations or concerns.

The Trust is fully aware of its duty of care to their employees and will:

- Manager and minimise the stress caused by the allegation
- Inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the police where necessary
- Advise the member of staff to contact their trade union representative, or a colleague for support
- Appoint a named representative to keep the staff member informed about the progress of the case
- Provide access to counselling or medical advice where appropriate
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence

The Trust will ensure that any information regarding an allegation is kept confidential and will not ordinarily be shared with other staff or with pupils or parents who are not directly involved in the investigation.

## **10. OUTCOMES**

The following definitions will be used when determining the outcome of an allegation:

- **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
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made

The options available to the Trust will depend on the nature and circumstances of the allegation and the evidence and information available.

## **11. 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 Trust, or the Trust ceases to use the person's services, the Trust has a legal duty to make a referral to the DBS. For members of teaching staff at the Trust, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The Trust 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.

## **12. CRIMINAL INVESTIGATIONS**

The Trust is aware that some allegations may result in a criminal investigation taking place. The police will inform the school and the LADO when:

- A criminal investigation and any subsequent trial is complete
- It is decided to close an investigation without charge
- It is decided not to continue to prosecute after the person has been charged

The case manager and LADO will discuss whether any further action against the member of staff is appropriate, including disciplinary action

## **13. UNSUBSTANTIATED, UNFOUNDED, FALSE OR MALICIOUS ALLEGATIONS**

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the pupil 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. If this is the case, the DSL will decide whether a referral to CSCS needs to be made.

If a report is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the individual who made it, in line with the Disciplinary Policy and Procedures (for staff reporters) or Behaviour Policy (for pupil reporters).

Following an allegation concluded to be either unfounded, false, malicious or unsubstantiated, the case manager, in liaison with the LADO if they were involved, will consider the facts and determine whether any lessons can be learnt and if improvements can be made to the Trust's procedures.

## **14. RETURNING TO WORK**

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the case manager will decide on the best course of action to facilitate the return to work, seeking advice from the Trust's HR provider and the LADO where necessary.

The individual's circumstances will be taken into account, and options such as a phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate.

The case manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the school.

The member of staff will be provided with support, including welfare support, during their return to work.

## **15. RESIGNATIONS**

If the member of staff leaves, resigns or ceases to provide their services during an investigation, the Trust will not stop the investigation and will ensure its completion.

The staff member subject to the allegation will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and supporting evidence and reaching a judgement on the allegation will continue even if the member of staff does not cooperate. The member of staff concerned will be notified of the conclusion of the allegation and sanctions that may be posed.

### **Settlement agreements**

The Trust will not use settlement agreements (also known as compromise agreements) where there are allegations that indicate a person is a risk or poses a risk of harm to children or is deemed not suitable to work with children.

In limited circumstances, it may be appropriate to use settlement agreements to end the employment relationship on agreed terms. Where a settlement agreement is used, this will not prevent the Trust from:

- Fulfilling its legal duty to refer cases to the DBS where the referral criteria are met
- Providing a fair, accurate and truthful reference that is not misleading to potential employers when requested
- Considering whether to make a referral to the (TRA) where the criteria are met

## **16. RECORD KEEPING**

Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome
- A copy provided to the person concerned, where agreed by CSCS or the police
- A declaration on whether the information will be referred to in any future reference

Records will be retained until the staff member subject to the allegations has reached normal pension age or for a period of 10 years from the date of the allegations, whichever is longer.

All records will be managed in line with the Trust's Data Protection Policy.

## **17. REFERENCES**

References will be provided in line with the Trust's Recruitment and Selection Policy

The Trust will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references. References will not include opinions, and cases will not be included where an allegation was found to be false, unfounded, unsubstantiated or malicious; this applies for repeated concerns or allegations found to be false, unfounded, unsubstantiated or malicious.

## **18. NON-RECENT ALLEGATIONS**

If a former pupil makes an allegation to the Trust that they were abused as a child, they will be advised to report the allegation to the police. Non-recent allegations made by a pupil will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All pupils and staff will be made aware that abuse can be reported no matter how long ago it happened.

## 19.MONITORING AND REVIEW

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the Trust's procedures to help prevent similar events in the future.

This policy will be reviewed annually by the Trust board. Any changes to this policy will be communicated to all staff and other relevant stakeholders.

### Declaration of Responsibility

This Allegations of Abuse against Staff Policy was reviewed and formally adopted by Bronte Academy Trust on

.....24 March 26.....Date



.....Signed Chair of Trustees



.....Signed Chief Executive Office