

Catch22 Independent Schools Policy

Managing Allegations Policy

Catch22 Include Norfolk

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This policy will be reviewed annually.

Catch22 reserves the right to amend this policy, following consultation, where appropriate.

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Queries to:	Safeguarding Advisor - Education
Date created:	September 2018
Date of last review:	August 2024
Date of next review:	August 2025
Catch22 group, entity, hub:	Catch22 Education
4Policies level (all staff or managers only)	All education staff

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Policy

1. Catch22 Independent Schools Education Intent Statement

Catch22's Vision:

To deliver better social outcomes through transforming public service through the 3Ps:

Place

Supporting people to find, retain, transition safely into homes and communities

Purpose

Working with people to achieve their purpose in education, employment or training

People

Building networks of people around individuals

Our Education Mission:

To enable young people to progress and succeed in sustained education, training or employment.

We do this through engaging young **people** positively with their **purpose** through learning and future life aspirations. All our learners achieve positive outcomes, thrive and enjoy a quality education that is delivered by skilled, passionate **people** with high expectations in a **place** that is safe, high quality and appropriate.

Our schools cater for young people aged 4-16 who are outside of mainstream education, many of whom have troubled and challenging backgrounds. We embody our vision in all we do to ensure our young people are supported fully to achieve these goals.

2. Purpose

This policy outlines the procedure that should be followed when dealing with allegations of abuse against staff and has been written in line with DFE Working Together to Safeguard Children 2023. It also incorporates the procedures as outlined by Norfolk Safeguarding Children Partnership This policy aims to strike a balance between the need to protect children from abuse and the need to support staff subject to allegations.

3. Scope

This policy applies to all Catch22 Education employees, workers, agency staff and volunteers. It does not apply to contractors, consultants, or self-employed individuals working for the Trust who should have their own procedures for the management of allegations in relation to their staff in line with Working Together to Safeguard Children 2018.

This policy relates to all schools and settings across Catch22 Education Trust and supersedes any local policies and procedures that have been in use prior to the Academy conversion.

This policy should be used in any case where it is suspected or alleged that an employee, volunteer or Supply member of staff at the Trust has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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 to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The policy applies regardless of whether the alleged abuse took place in the school. Allegations against a member of staff who no longer works for us; and historical allegations of abuse will, however, be referred to the relevant LADO in line with Local Safeguarding Procedures.

We will deal with any allegation of abuse against a member of staff or volunteer as promptly as possible and ensure it is processed in a fair and consistent way. We will ensure that our procedures provide effective measures to protect children, while also supporting the individual who is the subject of the allegation where investigation processes are in place.

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

4. Reporting an allegation

In the event of an allegation that meets the criteria above, the Head Teacher (or Chair of Governors, if the Head Teacher is the subject of the allegation) – the “Case Manager” – should immediately discuss the allegation with the Designated Officer at the Local Authority (LADO). 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.

We will discuss the allegation with the Designated Officer at the Local Authority (LADO), even where we are unclear as to whether the allegation meets the 'harms' threshold. The Case Manager should then immediately call a case conference with the Executive Principal, People Partner and Safeguarding Advisor to advise them of the allegations, next steps agreed with the LADO and agree any actions that need to be taken internally, including risk assessments where required.

The Case Manager following discussion with Executive Principal and Safeguarding Advisor 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.

If it is decided that further action is required, the Case Manager will take steps as agreed with the LADO. This could include addressing the matter internally (e.g. formal investigation, disciplinary/capability action, management advice/guidance) and/or liaising with the police and/or children's social care services where a strategy discussion is called/a child protection/criminal enquiry results.

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer 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. This will be recorded on the individual's personnel file.

Additional considerations for supply teachers and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the school, 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 cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.
- The Headteacher will discuss with EP and LADO and inform the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management 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 HR manager or equivalent to meetings as appropriate.

This process is outlined in Appendix 1

5. Informing the subject of the allegation

The Case Manager should inform the subject of the allegation 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.

6. Supporting those involved

6.1 The Employee

The Trust has a duty of care to its employees and will do everything reasonably possible to minimise the stress of any allegations and the disciplinary process.

The Case Manager will ensure that effective support is provided for the subject of the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and consider what other support is appropriate. The named representative will be a Senior Member of Staff who has had no involvement with the allegation or concern and may work at another school within the Trust.

The individual facing the allegation or concern can also seek help and advice from their Trade Union representative, LinkUp Partner, workplace colleague or Catch22's employee assistance programme telephone service.

Appendix 2 contains a leaflet for staff on the LADO process.

6.2 Parents

The Case Manager will inform the parents or carers of the child/children involved in any allegation as soon as possible if they do not already know (following agreement with 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.

The parents/carers 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.

7. Suspension and alternatives

The Case Manager should carefully consider whether it is necessary to suspend the individual and discuss this with the Executive Principal and the LADO. In cases of suspension, the CE of Education will be informed.

The CE of Education in consultation with the Trust's People Partner have the authority to suspend any person employed to work at an Academy or the Trust.

Suspension 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 it 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.

Suspension does not assume guilt of the individual involved and will always be decided following a risk assessment in conjunction with advice from the People Team.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the Trust so that the individual does not have direct contact with the child or children concerned.
- Directing the member of staff to work from home whilst an investigation is happening

The LADO, police and/or children's social care services cannot require the Trust to suspend a member of staff or a volunteer, although the school will give appropriate weight to their advice.

If immediate suspension is considered necessary, the Case Manager will agree and record the rationale for this with the LADO. 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 5 working days.

If the school 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 (TRA).

8. Potential outcomes

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

- **Substantiated:** there is sufficient evidence to prove the allegation.

- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence).
- **Unfounded:** 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.

Following the outcome of the investigation, decisions will then be made as to whether any, other further action will need to be taken e.g., capability or disciplinary etc.

9. Specific actions

9.1 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.

9.2 Substantiated allegations – referrals

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 Case Manager, and the Trust's People Team will discuss with the LADO whether to 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 the teaching staff, the Case Manager, and the Trust's People Team will discuss with the LADO whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.

9.3 Malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the Headteacher, or other appropriate person in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

9.4 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 Headteacher in collaboration with the Trust People Team, will consider how best to facilitate this. The Headteacher 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.

10. Timescales

If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 10 working days.

Any cases where it is clear immediately that the allegation is false or malicious will be resolved within 10 working days.

If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

Where a formal investigation is required, this should be completed in line with the trusts disciplinary procedure and completed within 10 working days.

In the event any of these timescales become delayed the individual will be informed accordingly.

11. Confidentiality

The school 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.

The case manager will also liaise with Catch22 Marketing team to ensure messages are balanced and do not put the organisation or the individual in disrepute.

12. Record keeping

The Case Manager will maintain clear records about any case where the allegation or concern meets the criteria above and record on StaffSafe on the individual's confidential file for the duration of the case. Such records will include:

- 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 justification for these, as stated above).

If an allegation or concern is not found to have been malicious, the People Team will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual. We will retain these 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.

The records of any allegation found to be malicious will be deleted from the individual's personnel file.

13. References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated, or malicious. We will also not refer to any history of allegations where all such allegations have been proven to be false, unsubstantiated, or malicious.

14. Non-recent allegations

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 in line with our local authority's procedures for dealing with non-recent allegations.

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.

15. Learning lessons

After any cases where the allegations are substantiated, we will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

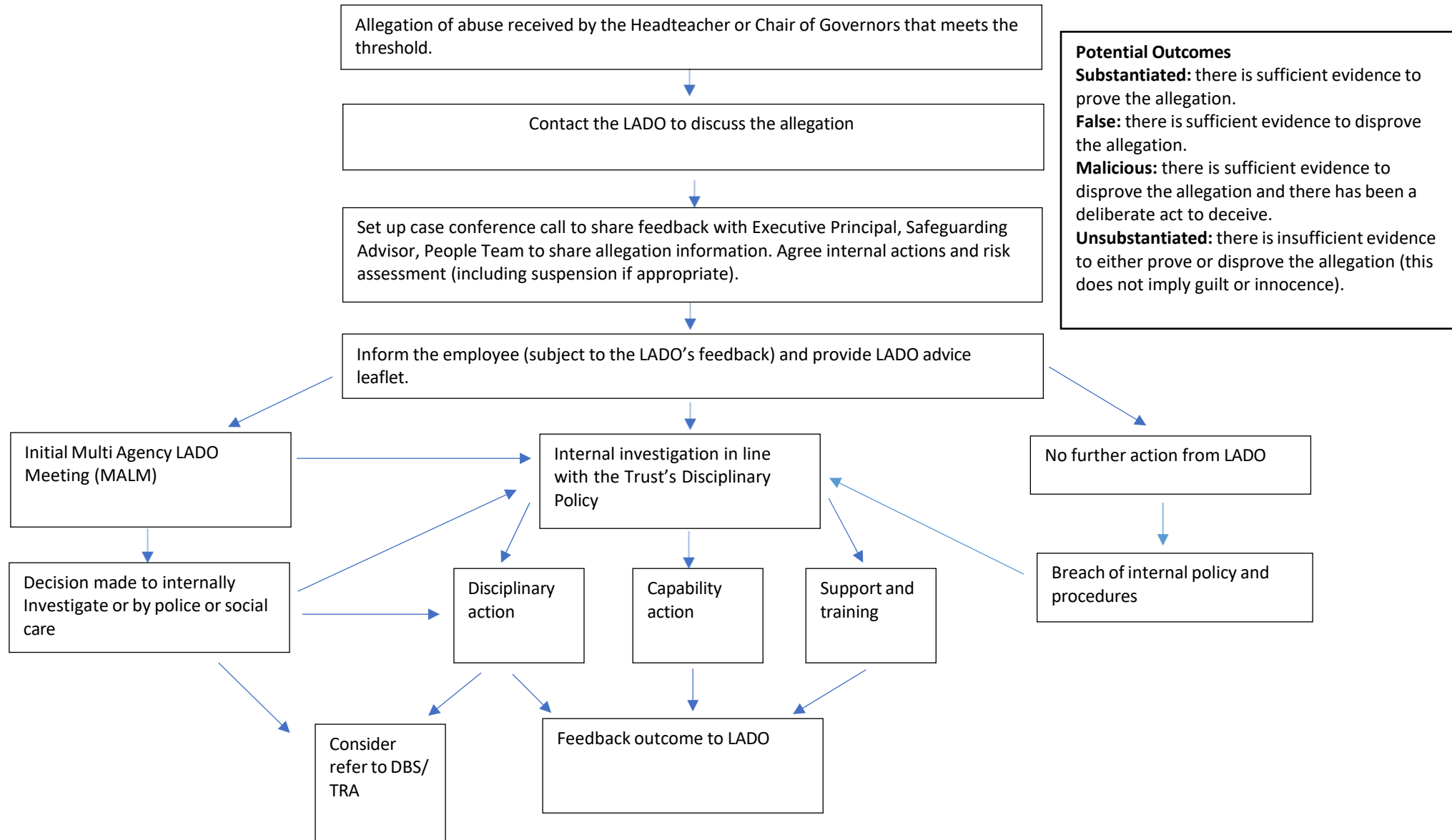
- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

16. Links with other policies and Government guidance

This policy links to the following policies and procedures:

- Disciplinary policy
- Capability policy
- Staff code of conduct
- Complaints policy
- Health and safety policy
- Whistle Blowing policy
- Data Management and Protection policy
- Safeguarding policy
- Disclosure and Baring Service (DBS) checks
- Recruitment and selection policy
- Safeguarding Association Risk policy
- Keeping Children Safe in education (KCSIE), DFE
- Working together to Safeguard children, DFE
- Guidance for safer working practice for those working with children and young people in education settings, May 2022
- Managing Allegations Against Persons who Work/Volunteer with Children.
(<https://www.norfolkscb.org/about/policies-procedures/8-3-allegations-against-persons-who-work-with-children/>)

Appendix 1 – Allegations of Abuse against Staff flowchart



Appendix 2 Staff LADO leaflet

INFORMATION FOR PERSONS REFERRED TO LADO

What happens if an allegation is made against you?

What happens if an allegation is made against you?

All Local Authorities must have in place a 'Local Authority Designated Officer' (LADO) to manage and oversee investigations into allegations made against adults who work or volunteer with children and young people either in a position of trust and or in a regulated activity. Examples include (but are not exclusive too): teachers, teaching assistants, sports coaches, nursery workers, school cleaners and caretakers, childminders, residential staff, foster carers, social workers, general practitioners, nurses, specialist school transport assistants and their drivers, members of the clergy, church wardens etc.

What is an allegation or concern?

With reference to Working Together to Safeguard Children (2018) and Keeping Children Safe in Education (2020) employers and professional agencies have a responsibility and duty to report allegations or concerns that make reference to an adult having:

- behaved in a way that has harmed a child, or may have harmed a child, or
- 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 to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

As well as concerns and allegations raised in a person's place of work, concerns regard a person's conduct in their personal life may also be considered relevant as the LADO and your employer/agency has to consider the transferable risk. Examples may include instances in which:

- a child you care for becomes subject of child protection enquiries by Children's Social Care.
- You have been the subject of a criminal investigation in relation to offences against children.
- You have difficulties with drug or alcohol misuse which might impact on your ability to do your job safely.
- There have been allegations of abuse against a member of your household or a person closely associated to you.

Allegations considered may be current or historical.

While allegations and concerns can be raised by the child, the employer, or a colleague; anybody, including members of the public, can report concerns they have about a person working or volunteering with children to the LADO.

What happens next?

In instances where it is considered that the threshold for a Safeguarding LADO process has been met, an Initial Multi Agency LADO meeting (MALM) or discussion shall be convened. The purpose of the meeting or discussion will be to ensure that all necessary parties are aware of the details of the allegations or the concern. This will include your employer(s) and or agency and may include the child's social worker (if they have one) or the child's school, the Police, and or a safeguarding representative from any voluntary organisations you may be affiliated to. It will be agreed who and how the concern or allegation is investigated i.e. which agencies shall be responsible for finding out or collating information that will inform the Final LADO safeguarding process decision.

Information Sharing:

As detailed in the introductory part of this leaflet, statutory agencies have a duty to share information in instances where they believe children may be at risk of harm. However, every effort is made to ensure that confidentiality is maintained, and information is restricted to those who have a need to know. The local authority will retain a record of the allegation and any associated documents in archive.

Will you be suspended?

It is not the decision of the LADO process whether an individual is suspended. The decision to suspend is always that of the employer/agency with support from their Human Resources.

What you can expect?

While investigations are not conducted by the LADO, the process is managed by the LADO and you will be notified and kept informed by your employer/agency of developments as soon as is reasonable depending on the extent and nature of the investigation. Depending upon the seriousness or nature of the concern, allegations can be investigated by the Police, Social Care or by an employer under their disciplinary procedures. Please note that all previous concerns and allegations about you will be considered as part of the ongoing safeguarding LADO process. Throughout the investigation and safeguarding LADO process, you can expect to receive support from your employer or voluntary agency. This will include being allocated a named person who will keep you updated and being signposted to all the streams of support that are available to you. In some organisations, staff counselling will be made available to you, in other instances, you will be directed to universal services such as your G.P. and or the NHS Wellbeing Service. If you are a member of a trade union, you should make contact with them also.

The LADO will not:

- undertake any investigation;
- have direct communication with the person subject of the allegation;
- provide advice and support to the person subject of the allegation;

- provide HR advice in respect of suspension or dismissal.

How long does the safeguarding LADO process take?

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Some cases will take longer because of their specific nature or complexity. However, the LADO will endeavour to minimise unnecessary delay and ensure that investigations are resolved as quickly as possible. LADO invitees will be asked to detail and describe you and your role with children, and whether there have been any previous allegations or concerns made against you. Your views It is the expectation that your employer/agency seeks and fairly represents your views and response to the allegations made against you.

The Outcome of the Safeguarding LADO process

At a final LADO meeting/case discussion, attendees will be asked to decide if the allegation on the balance of probability is:

1. Substantiated: where there is sufficient identifiable evidence to prove the allegation.
2. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence
3. Unfounded: 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.
4. False: where there is sufficient evidence to disprove the allegation.
5. Malicious: whether wholly or in part an allegation has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation.

You will be informed of the outcome by your employer/agency as soon as possible.

What happens next?

Depending upon the severity of the allegation and the outcome decision of the LADO, your employer shall need to conduct a Risk Assessment in respect of your ongoing role with children. This may include further training, enhanced supervision and monitoring, modifications to your role etc. However, in some cases, your employer may take the decision to follow with their own employment/disciplinary processes. The decision to suspend or dismiss is always a decision for the employer or agency and not the LADO.

NB: This general guide does not replace any specialist advice that you may require from a Trade Union or HR and Legal Advisor. It is the expectation that you inform any other employer or agency with whom you hold a position of trust, that you are or have been a subject of a safeguarding LADO process and of any subsequent outcome.

Further information about the LADO process can be found on your local safeguarding partnership website.

When further support is needed...

When an allegation is made against you the emotional, social and economic impact on you can be significant. It is essential that you receive all the support that is available to you.

As well as universal services such as your G.P., you may be entitled to access services through your employer/agency i.e. telephone counselling and occupational health. Your employer/agency should make you aware of any additional services that are available to you. You may also wish to contact your trade union representative if you have one

Useful Contacts

Employee assistance programme

The EAP is a free, confidential service that offers expert advice, information and counselling for all employees on a wide range of issues such as buying a new home, starting a new job, having children, managing money and much more. The service is available 24 hours a day, 7 days a week, 365 days a year both over the telephone and online. 0800 028 0199

Education support partnership

<https://www.educationsupport.org.uk/>

08000 562561

Advisory Conciliation and Arbitration Service (ACAS)

www.acas.org.uk

0300 123 1100 (8am – 6pm Monday -Friday)

Samaritans

T: 116 123

<https://www.samaritans.org/>

Mind

0300 123 3393

info@mind.org.uk

Annex 1: Equality Impact Assessment

1. Summary

This EIA is for:	Managing Allegations Policy (Education)
EIA completed by:	Head of H&S
Date of assessment:	09/08/22
Assessment approved by:	Education SLT

Catch22 is committed to always: avoiding the potential for unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

An Equality Impact Assessment (EIA) is a tool for identifying whether or not strategies, projects, services, guidance, practices or policies have an adverse or positive impact on a particular group of people or equality group. Whilst currently only public bodies are legally required to complete EIA's under the Equality Act 2010, Catch22 has adopted the process in line with its commitment to continually improve our equality performance.

Policy owners are required to complete or review the assessment indicating whether the policy has a positive, neutral or negative impact for people who it applies to and who share one or more of the 9 protected characteristics under the Equality Act 2010.

Definitions are based on the Equality & Human Rights (EHRC) guidance.

Objectives and intended outcomes

This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of this policy have been fully considered and addressed, whether or not people share a protected characteristic.

2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Please give details including any mitigation for negative impacts
Age Does this policy impact on any particular age groups or people of a certain age?	☐	☒	☐	
Disability Does this policy impact on people who have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities?	☐	☒	☐	
Gender reassignment (transsexual, transgender, trans) Does this policy impact on people who are transitioning from one gender to another (at any stage)	☐	☒	☐	
Marriage and civil partnership Does this policy impact on people who are legally married or in a civil partnership?	☐	☒	☐	
Pregnancy and maternity (in work this is linked to maternity leave, non-work this is for 26 weeks after giving birth) Does this policy impact on people who are pregnant or in their maternity period following the birth of their child?	☐	☒	☐	
Race Does this policy impact on people as defined by their race, colour and nationality (including citizenship) ethnic or national origins	☐	☒	☐	

Religion and belief Does this policy impact on people who practice a particular religion or none, or who hold particular religious or philosophical belief or none?	☐	☒	☐	
Sex Does this policy impact on people because they are male or female?	☐	☒	☐	
Sexual orientation Does this policy impact on people who are sexually attracted towards their own sex, the opposite sex or to both sexes?	☐	☒	☐	

3. More information/notes