



**Safeguarding: Managing
safeguarding allegations against staff
and volunteers working within the
Trust
Fairfax Multi-Academy Trust
July 2019**

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1. Policy statement

The care and support of all children and young people is of paramount concern to Fairfax Multi-Academy Trust (FMAT). The Trust takes the day-to-day care of its pupils, staff and volunteers very seriously. The Trust recognises that for large parts of pupils' early life, teachers and support staff play a critical role in influencing and shaping their life, academically, socially and morally.

The Trust takes safeguarding allegations of any kind against a member of staff or volunteer working within the Trust very seriously, and this procedure outlines the steps which should be taken when such allegations arise in relation to the welfare and safeguarding of all children and young people.

All staff and volunteers working within the Trust, pupils and their parents/carers will be made aware of this procedure. It will be available on the Trust's and Academies' websites for public access. This document applies to all employees and volunteers including Academy Associates and the Trust Board.

This procedure affirms that any safeguarding allegations should be dealt with robustly, without prejudice and with the co-operation of external agencies, where appropriate and necessary. This procedure should be read alongside the most recent versions of:

- The Safeguarding Policy;
- Working Together to Safeguard Children;
- DfE Keeping Children Safe in Education;
- Local arrangements for managing safeguarding allegations issued through the relevant Local Safeguarding Children's Board (LSCB);
- The Children Act 1989 and 2004;
- The Children and Social Work Act;
- The Education Act 2002;
- The Staff Code of Conduct;
- The Disciplinary Procedure.

This document follows statutory guidance from the Department for Education (DfE) when carrying out duties relating to handling safeguarding allegations against staff and volunteers working within the Trust.

Any reference in this procedure to 'a/the child' or 'pupil' (singular) is also referring to the plural, i.e. 'children' and 'pupils'

2. Responsibilities

Any member of staff working within the Trust has a statutory responsibility to report all concerns about a child's welfare to the safeguarding lead. This includes any safeguarding allegations against a member of staff or volunteer working within the Trust, Failure to report a safeguarding concern may result in disciplinary action being taken.

The Head of Academy and the Trust Board are responsible for ensuring that employees and volunteers are aware of their duty to report any safeguarding allegation or concerns. The failure to report may:

- put a child and/or young person at risk; or
- imply a breach of the employee's contractual duty.

The Designated Safeguarding Lead for the Trust overall is the Chief Executive Officer (CEO).

3. Allegations against staff and volunteers working within the Trust

This procedure should be followed in all cases where safeguarding concerns are identified in relation to staff or volunteers working within the Trust that could lead to, or has resulted in, a potential safeguarding issue.

There are criteria within national and local guidance that indicate when concerns must be discussed with outside agencies, especially the Designated Officer (formerly LADO). This is a statutory role which gives advice, support and guidance on all matters relating to allegations against people in professional and volunteer roles involving children, young people and, if appropriate, vulnerable staff and volunteers.

Trust procedures must not be confused with statutory investigations carried out by Social Services or the Police. Internal investigations must only be carried out once the Designated Officer and Police have concluded their involvement or they have given their permission to do so.

The following must be discussed with the Designated Officer where staff or volunteers working within the Trust have:

- 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 in a way that indicates they would pose a risk of harm, if they work regularly or closely with children.

Appendix 1 summarises the procedure for managing allegations and highlights when it is appropriate to make contact with the Designated Officer.

Appendix 2 summarises the key responsibilities of the Designated Officer.

The Trust's Central Team must be notified of any such concerns via the notification form **SGF4 (Appendix 4)**. They will ensure that support is offered to all relevant parties including the person against whom the allegation has been made.

Appendix 3 has a list of Central Team contacts that can provide support when dealing with or being subject to a safeguarding allegation.

It is acknowledged that concerns about staff and volunteers working within the Trust will come from a variety of sources, sometimes other than from the person who may be the victim of any concerns. It is essential that all staff and volunteers understand that no matter whether they are directly or indirectly affected by any concerns, they should be reported.

4. Dealing with allegations against staff and volunteers working within the Trust

Investigations

There are three types of investigation, by:

- Social Services and the Police;
- The Police under criminal law; or
- Fairfax Multi-Academy Trust in line with the Disciplinary Procedure.

If a safeguarding allegation is made against a member of staff or volunteer working within the Trust, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be avoided.

In cases where concerns must be discussed with the Designated Officer (see Appendix 1), the Trust/Academy should not initiate an internal investigation into an allegation against the member of staff or volunteer, until consultation has taken place with the Designated Officer.

When a safeguarding allegation is made against a member of staff or volunteer working within the Trust, there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection.

Every member of staff or volunteer working within the Trust has a responsibility to report all safeguarding allegations against an employee/volunteer to the Head of Academy.

Where the allegation is against the Head of Academy or a member of the Central Team, the CEO must be informed; where the allegation is against the CEO, the Chair of the Trust Board must be informed.

Where the allegation is against an Academy Associate or a member of the Trust Board, the Chair of the Trust Board must be informed. Where the allegation is against the Chair of the Trust Board, the Chair of the Education Committee must be informed.

The Case Manager (Head of Academy) will be responsible for:

- Contacting the Designated Officer to share the information about the allegation and to discuss the next steps;
- Record decisions (including the rationale behind them);
- Informing all parties, if no further action;
- Discussing options for the person against whom the allegations are made with the CEO and HR Director;
- Attend, with the support of the appropriate member of the Central Team, any strategy meeting if and when called.

The discussions with the Designated Officer will help the Case Manager to identify the best options in terms of dealing with the allegations. If the matter is to be dealt with internally within the Trust, the Head of Academy will, with the necessary support from the HR Director, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

If the Designated Officer feels that the matter needs a formal investigation external to the Trust, this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

Agreement must be reached with the Designated Officer (and the Police/Children's Social Services, if appropriate) and HR as to how and what information is shared with the member of staff or volunteer concerned throughout the investigative process.

Where the police are involved, wherever possible the Case Manager should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any disciplinary procedure.

The Case Manager will keep a record of all agreed actions and the strategies used including the rationale behind them throughout the investigation process.

5. Supporting those involved

Fairfax Multi-Academy Trust has a duty of care to its employees and volunteers and will act to manage and minimise the stress inherent in the allegations process. Individuals will be notified of any concerns or allegations as soon as appropriate and given an explanation of the likely course of action. The member of staff or volunteer will be advised to seek support from a work colleague or their trade union. The member of staff or volunteer will also be given access to an employee helpline.

The Case Manager will keep the person, who is the subject of the allegation, informed of the progress of the case and consider what other support is appropriate for the individual. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presenting of evidence.

The Case Manager should notify the parents or carers of the child of the allegation as soon as possible, if they do not already know of it. However, where a strategy discussion is required, or the Police or Social Services need to be involved, the Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed. Parents or carers should be kept informed about the progress of the case and told the outcome as appropriate.

Parents and carers must be made aware of the requirement to maintain confidentiality about any allegations made against a teacher whilst investigations are on-going (Education Act 2002 section 141F).

It is extremely important that when an allegation is made against a member of staff or volunteer working within the Trust that all parties make every effort to maintain confidentiality and guard against unwanted publicity while the allegation is being investigated or considered.

The Case Manager should take advice from the Designated Officer (and the Police/Children's Social Services, if appropriate) to agree the following:

- (a) who needs to know and, importantly, exactly what information can be shared;
- (b) how to manage speculation, leaks and gossip;
- (c) what, if any, information can be reasonably given to the wider community to reduce speculation; and
- (d) how to manage press interest if, and when, it should arise.

6. Considering suspension

In some circumstances, it may be necessary to suspend the employee/volunteer from work. Suspension should not be an automatic response when an allegation is reported, and should only be considered in cases where there is cause to suspect a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process. The arrangements will be confirmed to the employee/volunteer in writing as soon as practical and in any event within one working day. The member of staff or volunteer should be given as much detail as appropriate for the reasons of the suspension. The individual should also be informed of the named contact within the Trust and be provided with their contact details. While suspended, the member of staff or volunteer should not visit the Trust's premises including the academies, unless authorised to do so by the Case Manager.

A suspension of this kind is not an assumption of guilt or a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive full salary and benefits during the period of suspension.

Alternatives to suspension will be explored where relevant before a decision to suspend is made. The nature and severity of the allegations will need to be considered as will the employee's role within the Trust.

Where safeguarding allegations are made, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information.

If immediate suspension is considered necessary, the rationale and justification should be agreed and recorded by both the Case Manager and the Designated Officer. This should also include what alternatives to suspension have been considered and why they were rejected.

The suspension will be kept under regular review as part of the investigation progresses. As information is gathered, it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.

The decision to suspend an employee/volunteer may only be made by the Head of Academy in consultation with the CEO and the HR Director.

7. Resignations

If the accused person resigns or ceases to volunteer, this will not prevent an allegation being followed up in accordance with the latest version of the statutory guidance 'Keeping Children Safe in Education'.

8. Outcomes

Where a case has been referred to the Designated Officer, an outcome will be agreed at the end of the investigation:

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;

False: there is sufficient evidence to disprove the allegation;

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

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

If the allegation is substantiated and the person is dismissed, or the person resigns or otherwise ceases to provide their services, the Designated Officer should discuss with the Case Manager and the HR Director whether to make a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists. There is a legal requirement for the Trust to make a referral to the DBS where they think that an individual has engaged in conduct that has harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In addition, in the case of a member of teaching staff, whether to refer

the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager, with the support of the HR Director, will consider how best to facilitate that. The Case Manager will also consider how the person's contact with the child who made the allegation can best be managed, if they are still a pupil at the Academy.

Where the Trust finds that a pupil has made malicious allegations, they are likely to have breached Academy Behaviour policies. The Academy will therefore consider, whether to apply an appropriate sanction, which could include temporary or permanent exclusion.

Any allegations made by staff which the Trust/Academy found to be malicious may lead to disciplinary action being taken against the member of staff who made that allegation.

9. Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, 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, a note of any actions taken and decisions reached is kept on the personnel file of the accused, and an outcome letter provided to the person concerned.

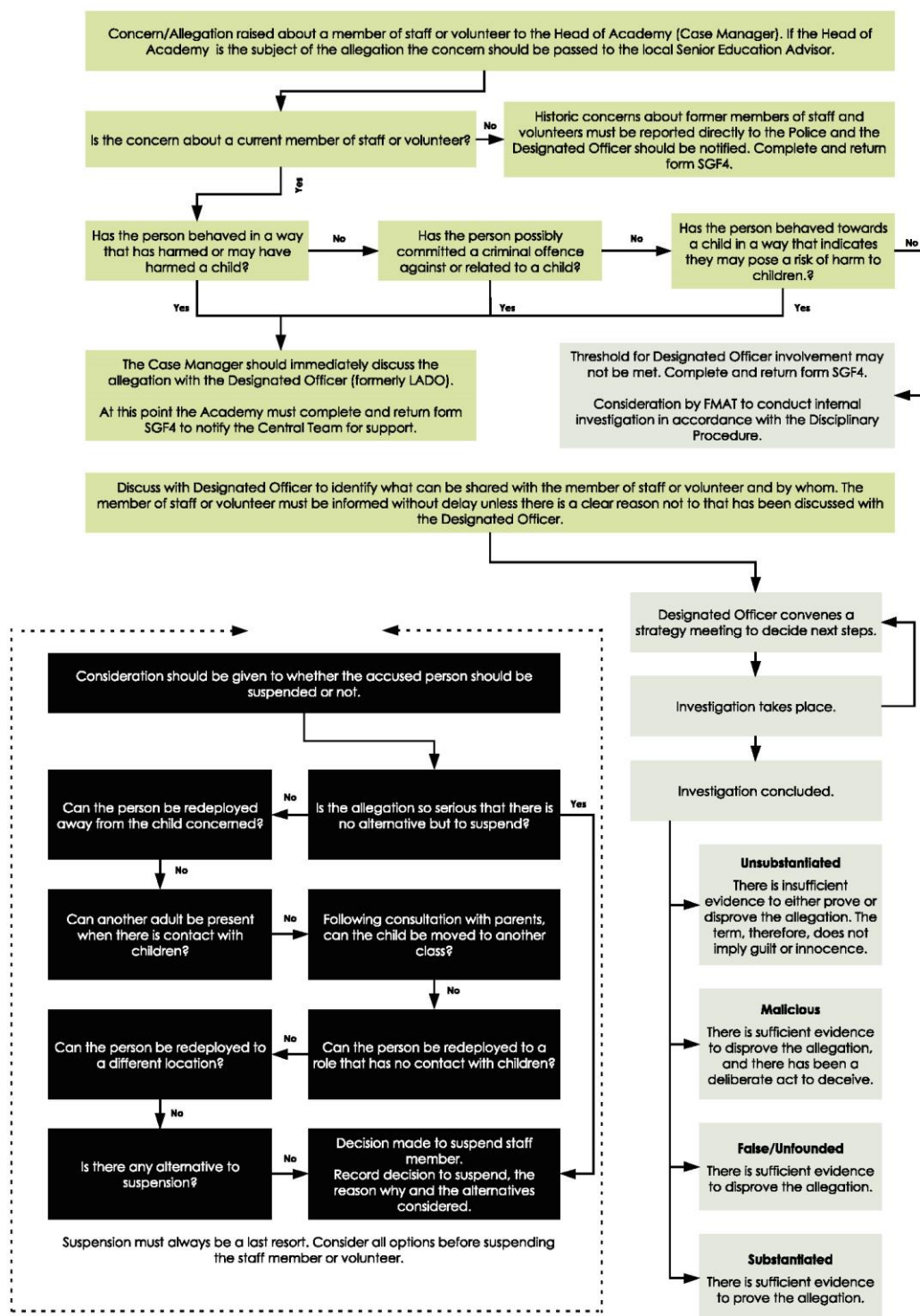
The documentation will be placed on the employee's personnel file and will be processed in line with FMAT's Data Protection Policy and Privacy Notice and in line with the requirements of current Data Protection Legislation.

Where an allegation is upheld, a copy of the statement or record should be kept on the relevant section of a pupil's child protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure. Therefore, no assurances can be given on confidentiality.

10. Maintaining this procedure

This procedure is reviewed at least every year by the Trust. The Trust will monitor the application and outcomes of this procedure to ensure it is working effectively.

APPENDIX 1 - SUMMARY OF PROCEDURE FOR MANAGING ALLEGATIONS OF ADULTS WORKING WITHIN THE TRUST



Appendix 2 – Key responsibilities of the Designated Officer

- Management and overview of individual cases from all partner agencies;
- Providing advice, information and guidance to Senior Managers;
- Monitoring the progress of cases to ensure cases are dealt with within set timescales;
- Ensuring a consistent and thorough process for all staff and volunteers against whom safeguarding allegations are made;
- Responsibility for maintaining information databases in relation to all allegations and producing qualitative and quantitative reports for LSCBs and the DfE;
- Attendance at or chairing strategy meetings and liaising with Chairs of strategy meetings (if not chairing).

Appendix 3 – Useful contacts

Fairfax Multi-Academy Trust

Name	Role	Contact Details
Chris Stevens	Chief Executive	0121 378 1288, ext. 653 safeguarding@fmat.co.uk
Danielle Billington	HR Director	0121 378 1288, ext. 655 safeguarding@fmat.co.uk
Simon Small	Chair of the Trust Board	0121 378 1288, ext. 653 via s.gannon@fmat.co.uk
Andy Best	Chair of Education Committee	0121 378 1288, ext. 653 via s.gannon@fmat.co.uk

Designated Officers

Birmingham City Council	Solihull Council
0121 675 1669 Ladoteam@birminghamchildrenstrust.co.uk . http://www.lscbbirmingham.org.uk/lado	0121 788 4310 cpru@solihull.gcsx.gov.uk http://solihullscb.proceduresonline.com/chapters/p_lado_contacts.html

National Contacts

Agency	Contact Details
NSPCC Whistleblowing Advice Line	08000 280 285
NSPCC Information Service	0808 800 5000
ChildLine	0800 1111

Appendix 4 -SGF4 – Concern/Allegation in relation to a member of staff or volunteer working within the Trust initial notification form

Please e-mail the completed form to safeguarding@fmat.co.uk without delay.

Academy site			
Details of member of staff or volunteer about whom concerns have been raised			
Full name			
Role			
Details of child and/or young person			
Name		Date of birth	
Tutor group		Year group	
Gender		Name of parent/carer	
Are they aware of the concern?		Contact Number	
Vulnerabilities of child and/or young person (e.g. LAC, Child Protection History, SEND)			
Consideration for contacting the Designated Officer (if you answer 'yes' to any of the questions below, an initial discussion must be held with the Designated Officer.)			
Has the person behaved in a way that has harmed or may have harmed a child and/or young person?			
Has the person possibly committed a criminal offence against or related to a child and/or young person?			
Has the person behaved towards a child and/or young person in a way that indicates they pose a risk of harm to a child and/or young person?			
Source of information			
Date of concern/incident		Time of concern/incident	



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[illegible]

Please e-mail the completed form to safeguarding@fmat.co.uk without delay.