

<b>Title</b>	<b>ALLEGATION OF ABUSE POLICY</b>
<b>Cross References</b>	<p><b>External:</b></p> <ul style="list-style-type: none"> <li>• Keeping Children Safe in Education 2024</li> </ul> <p><b>Internal:</b></p> <ul style="list-style-type: none"> <li>🍑 Apricot Safer Recruiting Policy</li> <li>🍑 Apricot Safeguarding and Child Protection Policy</li> <li>🍑 Apricot Online Safety Policy</li> <li>🍑 Apricot Anti-Bullying Policy</li> <li>🍑 Apricot Student Policies – Complaints, Equality, Online Safety, Anti-Bullying</li> </ul>
<b>Date</b>	<b>October 2023</b>

## INTRODUCTION

It is essential that any allegation of abuse made against a teacher or other member of staff 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. Thus, the procedures outlined in this policy will be followed alongside Apricot Online’s complaints procedure and safeguarding and child protection policy.

It is our policy that all allegations will be reported straight away, to the named Apricot Designated Safeguarding Leads (Amy Smith or Jodie Phillips – 01242 604985) or to the commissioning LA where either/both Apricot’s DSLs are the subject of the allegation or concern.

Apricot adopts the Government guidance - “Working Together to Safeguard Children: A guide to inter- agency working to safeguard and promote the welfare of children” (2023), which sets out the framework for managing cases of allegations of abuse against people who work with children.

## PURPOSE

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. Apricot Online’s complaints and child protection procedures will be followed alongside this policy. This policy will be used in respect of all cases in which it is alleged that a teacher or member of staff has;

- 🍑 behaved in a way that has harmed a child, or may have harmed a child;
- 🍑 possibly committed a criminal offence against or related to a child; or,
- 🍑 behaved towards a child or children in a way that indicates s/he is unsuitable to work with children. This will include cases of verbal abuse.
- 🍑 has behaved or may have behaved in a way that indicates they may not be suitable to work with children.

There may be up to 3 strands in the consideration of an allegation:

- 🍑 a police investigation of a possible criminal offence;
- 🍑 enquiries and assessment by children’s social care about whether a child is in need of protection or in need of services;
- 🍑 consideration by Apricot Online in conjunction with the commissioning LA of disciplinary action in respect of the individual.

## **SUPPORTING THOSE INVOLVED**

Parents or carers of a child or children involved will be told about the allegation as soon as possible, if they do not already know of it. This will be at the discretion of the commissioning body. They will also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. This includes the outcome of any disciplinary process. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police, as appropriate, will be consulted by Apricot Online in conjunction with the commissioning LA to consider what support the child or children involved may need.

Apricot Online, in conjunction with the LA, will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for them. If the subject of the allegations is suspended, then they will be also be informed about developments in the case.

If the subject of the allegations is a member of a union or professional association, s/he will be advised to contact that body at the outset.

## **CONFIDENTIALITY**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

## **RESIGNATIONS**

The fact that a subject of allegations tenders his or her resignation, or ceases to provide their services, will not prevent an allegation from being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the subject of the allegations concerned refuses to cooperate with the process.

Wherever possible the subject of the allegations will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgment about whether it can be regarded as substantiated, will continue even if the subject of the allegations does not cooperate.

## **RECORD KEEPING**

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the subject of the allegations confidential personnel file, and a copy provided to the subject concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the subject of the allegations has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction.

In addition, it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation resurfaces after a period of time.

## **TIMESCALES**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

## **INITIAL CONSIDERATIONS**

The Managing Director (MD) (Amy Smith) will inform the accused person about the allegation as soon as possible after consulting the commissioning LA. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the MD will not proceed until those agencies have been consulted and have agreed what information can be disclosed to the person.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the MD will consult with the police, the LA, and any other agencies involved with the child to evaluate the allegation and decide how to proceed. (N.B. The police must be consulted about any case in which a criminal offence may have been committed.)

## **SUSPENSION**

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the MD and the LA; however, they will canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children to inform the school's consideration of suspension.

## **ACTION ON CONCLUSION OF A CASE**

If the allegation is substantiated and is dismissed or Apricot and the LA cease to use their services, or they resigns or otherwise ceases to provide their services, the MD will consult with the LA as to whether a referral to The Department for Schools Children and Families for consideration of List 99 action or by the GTC is required, or advisable.

In cases where it is decided on the conclusion of the case that the subject of the allegations who has been suspended can return to work, Apricot Online will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate.

Apricot 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 lessons.

## STEPS TO TAKE IN ALLEGATIONS OF ABUSE

All staff at Apricot Online Ltd are aware of their duty to report any allegation of abuse by a learner against a member of staff immediately to Jodie Phillips (first DSL). In her absence, or where she is the subject of such an allegation, the report will be directed immediately to Amy Smith (second DSL). On the same day the DSL will inform the Local Authority Designated Officer (LADO) in line with national procedure.

The LADO and DSL will first confirm the details of the allegation establish that the claim is not patently false, decide whether the parents should be informed and whether the accused should be informed.

The DSL will then consider with the LADO each of the following issues:

1. Should the staff member involved be suspended?
2. Is the child suffering or likely to suffer from 'significant harm'?
3. Is formal disciplinary action needed?
4. Might a criminal offence have been committed?
5. Is the allegation groundless?

### 1. Should the staff member involved be suspended?

The LADO and DSL will decide upon this course of action if:

- 🍊 The accused impedes investigation
- 🍊 There is risk of continuing harm to a child
- 🍊 Allegations are serious enough to require possible dismissal

### 2. Is the child suffering or likely to suffer from 'significant harm'?

If the LADO and DSL believe this to be the case the LADO and DSL will:

- 🍊 Involve social care immediately
- 🍊 Convene a strategy discussion which will involve the DSL

### 3. Is formal disciplinary action needed?

If the LADO and DSL decide this is **not** appropriate:

- 🍊 The LADO and DSL will discuss and decide what action **is** appropriate
- 🍊 The DSL will institute appropriate action within 3 days

If formal disciplinary action **is** deemed appropriate then the LADO and DSL will decide if **further investigation** is needed.

**If not:**

- DSL will institute disciplinary hearing within 15 working days

If the accused is dismissed or receives a warning, the LADO and DSL will decide whether a referral to Department of Education is required. The referral will be made within one month if deemed appropriate. DSL will retain a detailed record of the case for 10 years from the date of allegation or until the accused person reaches normal retirement age.

**If so:**

- o LADO and DSL will decide who will undertake investigation
- o Report will be available within 10 working days
- o DSL and LADO will decide whether to have disciplinary hearing within 2 days of receiving report
- o The hearing will be held within 15 working days

**4. Might a criminal offence have been committed?**

If the LADO and DSL decide this is a possibility they will:

- o Inform the police immediately
- o Ask them to conduct an evaluation to decide whether a police investigation is needed
- o DSL will comply fully with police/ Crown Prosecution Service requests for information

**5. Is the allegation groundless?**

If the LADO and DSL decide the allegation is without substance they will:

- o Refer to children's social services
- o Decide upon appropriate disciplinary action if allegation is deliberate or malicious

**Authorised by:** Jodie Phillips, Operations Director

**Date:** October 2024

**Review Date:** October 2025