



**APPLIED
BUSINESS
ACADEMY**
Courses that lead to Careers

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ALLEGATIONS AGAINST STAFF AND GOVERNORS

Introduction

When an allegation is made against a member of staff or governor of ABA, a set procedure must be followed.

Anyone subject to an allegation has the right to have the case dealt with, fairly, quickly and without prejudgment. Suspension is not mandatory or automatic; however, when deemed necessary to ensure protection suspension will occur. Suspension of a member of staff can only be agreed when sanctioned by the CEO, Chair of Governors, Director of Operations and Registry, and Head of HR.

Key Points

- Allegations against a member of staff or governors should be reported to the Director of Operations and Registry and the Head of HR.
- When an allegation is made the swift resolution should be made clear to all parties.
- Prior to suspension all other options must be considered.
- Allegations that are found to be malicious should be removed from personnel records.
- Any allegations that are unsubstantiated, unfounded, or malicious should not be referred to in any employer reference.
- A student found to have made a malicious allegation will be subject to a disciplinary hearing.

Considerations and Procedure

The procedure for dealing with all allegations should be a common sense approach. Many cases will either be unfounded or non-malicious; any allegation which does not require legal intervention should be dealt with by following ABA's disciplinary procedure.

Certain allegations which are found to be more serious may require legal intervention. The Local Authority Designated Officer (LADO) should be informed of all allegations that meet this criteria, in order to consult police or children's social care services as appropriate.

The first step is to discuss the allegations with the LADO. This is to allow the LADO and the Head of HR to consider the nature and context of the allegation, in order to set a course of action. It may also be required to obtain further information about the parties involved, such as prior history. Instances may arise where the police will need to be involved immediately, for example if the person is deemed to be an immediate risk to students. However, where this

is not the case, the incident can be assessed by the Head of HR and LADO to determine whether police involvement is necessary.

If it is found that no further action is required with regard to the allegation, this decision needs to be recorded by both the Head of HR and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Head of HR should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The accused person in the allegation needs to be informed as soon as possible. Where a strategy discussion is needed, or police or children's social care services need to be involved, the member of staff should not be given detailed information until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

If it has been deemed unnecessary to involve the police or children's social care services, the LADO should discuss the next steps with the Head of HR. In such an instance, the next course of action depends on the nature of the allegation and information available. This will range from taking no further action to using the Disciplinary Policy to investigate which could lead to a dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

Supporting those involved

ABA has a duty of care to its employees. It is important to mitigate the stress inherent in the allegations process, through supporting the individual involved. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.

The Head of HR should appoint a named representative to 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. For example, it might be necessary to offer welfare counselling or medical advice to the individual depending on the circumstances.

Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. 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 presentation of evidence.

Parents or carers of a student or students involved should be informed as soon as possible. However, in an instance where the police or children's social care services where needed and have become involved, the information can only be disclosed to the parents once the agency has deemed so. Parents or carers should also be kept informed about the progress of the case and the actions that have been taken by ABA.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. In the event that parents or carers want to apply to the court to have reporting restrictions removed, they will need to be told to seek legal advice.

There may be further support required for students from allegations that involved significant harm, or even criminal prosecution. In such cases, the relevant agency such as the police or children's social care services, will need to help consider what support would be best for the individual.

Outcomes of allegations

The following definitions would be used when determining the outcome of allegation investigations following the Academy's Disciplinary Policy and Procedure:

- 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

Allegations that are substantiated

ABA has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a student, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. The Head of HR will need to make this referral to the DBS.