

Allegations Management Policy



Introduction

1. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child. guidance ***Keeping Children Safe in Education 2019***.

The procedure documented within this policy must be followed in any case where it is alleged that a teacher or other member of staff or a volunteer at the school 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 he or she would pose a risk of harm if they work regularly or closely with children.

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All members of staff at Motiv8Sports will be made aware of this policy as part of their induction.

How concerns arise

2. Concerns about possible abuse of children by staff will usually arise in one of two ways, either;

- A direct allegation by a pupil or third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case the concern must be recorded and reported to the Director/ Head of Education immediately unless the allegations are about these given people then the case must be recorded by another employee of Motiv8Sports.

A concern is:

- 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 s/he may pose a risk of harm to children.

As this is a statutory duty, it is expected that all members of staff, where they have concerns, will report them in accordance with this policy. Where the allegation is made by a third party and/ or this is from a referring school (a school that made a referral for a child on their roll to attend Motiv8Sports), then Motiv8sports will still follow the actions as set out within this policy.

Initial Action

3. In order to proceed, the Director will ensure that they have a full understanding of the nature of the allegation made by a member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

The Director will simply establish that;

- An allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved – including their full name, address and date of birth.
- Any other persons present

Consultation and Referral

4. Once the nature of the allegation has been established the Director should determine if it meets any of the criteria set out in section 1 above. If so the Director should immediately discuss the allegation with the Designated Officer (s) formerly referred to as Local Authority Designated Officer (LADO) on the same day. It is important to ensure that even allegations that appear to be less serious are seen to be followed up and taken seriously and that they are examined objectively by someone independent of the school concerned. Where the Director determines that the allegation does not meet any of the needs set out in section 1 they will make the decision as how to proceed; this may result in no further action or for further action/ investigation to be taken which does not involve the LADO. Where no further action is needed all written statements and reports made by staff and/ or pupils/ children will be kept and stored by Motiv8Sports Ltd.

Initial consideration of the allegation

5. The purpose of the initial discussion is for the Designated Officer (s) and the Director to consider the nature, content and context of the allegation and agree a course of action. This will include a discussion to determine whether police involvement is necessary. The discussion will establish that the allegation is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation the Designated Officer (s) will also discuss how and by whom they should be informed. There may be some circumstances where Motiv8Sports may advise the parents/carers of an incident or related activity, and requires medical treatment.

The Director will usually inform the accused person about the allegation as soon as possible after consulting with the Designated Officer (s). However, where a strategy

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discussion is needed, this will be deferred until after consultation with the police has taken place, and there is agreement about what information can be disclosed to the person.

If the person is a member of a union or a professional association they will be advised to contact that organisation at the outset.

6. If the allegation is not demonstrably false or unfounded, a formal referral will be made to other agencies if required (MASH/ Police) and in accordance with 'Working Together to Safeguard Children 2018' a meeting and strategy discussion will be convened.

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

- a police investigation of a possible criminal offence
- enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services
- consideration by the employer of disciplinary action in respect of the individual

The Director will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

There are four defined terms that should be used when determining the outcome of allegation investigations.

- **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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

7. An assessment of the possible risk of harm to children posed by an accused person must be undertaken and managed. This should be considered in relation to the child or children involved in the allegation, and any other children in the accused individual's home, work or community life. All options to avoid suspension should be considered prior to taking that step.

Suspension will be considered in any case where;

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants formal investigation by the police
- There is a likelihood that evidence may be tampered with, or witnesses intimidated

- The allegation is so serious that it might be grounds for dismissal

The Director will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. In deciding whether to suspend a member of staff, the Director will consider advice given at the strategy meeting and any risk assessments.

Action where the police or Local Authority investigation is not necessary

8. If the complaint or allegation is such that;

- It is clear that a criminal and/or child protection enquiries are not necessary, or
- The strategy discussion or initial evaluation decides that is the case

The Director will discuss the next steps and in such circumstances the options open depend on the nature and the circumstances of the allegation and the evidence and information available. The possible outcome will range from taking no further action to conducting formal disciplinary action that could lead to dismissal or a lesser formal warning.

Action where police or local authority investigation is necessary

9. The police or Crown Prosecution Service (CPS) should inform the Director straight away;

- It is decided to close an investigation without arrest or charge, or
- It has been decided not to prosecute after the person has been charged, or
- When a criminal investigation and any subsequent trial is complete

In those circumstances the Director and H.R. representatives will determine whether any further action, including disciplinary action is appropriate and, if so, how to proceed.

Referral to DfE – Disclosure and Barring Service

10. If the allegation is substantiated and the person is dismissed, or the Motiv8Sports ceases to use the person's services, or the person resigns, or otherwise ceases to provide his or her services, the Director should discuss whether a referral will be made to the DBS for consideration of inclusion on the barred list is required.

147. There is a legal requirement for employers to make a referral to the DBS where they think an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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Supporting those involved

11. Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. The Director 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.

In relation to an allegation that has been brought by a child, parent or carer, the deliberations of a disciplinary hearing and the information taken into account in reaching a decision will not normally be disclosed, but the parents/carers should be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

Confidentiality

12. Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No one in Motiv8Sports may provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

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Resignations and settlement agreements

13. Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with the guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any which the person concerned refused to cooperate with the process.

Record Keeping

14. If anyone in Motiv8Sports has any concerns regarding the behaviour or conduct of a member of staff, they must record and report the information to the Director.

The Director will ensure that;

- A clear and comprehensive summary of any allegations made
- Details of how the allegation was followed up and resolved

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- A note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. At the conclusion of the investigation, if the person under investigation is exonerated, Motiv8Sports will write to the person confirming this. Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references.

Details of allegations that are found to have been malicious should be removed from the personnel records.

Timescales

15. Motiv8Sports will endeavour to follow the timescales set out in the guidance for such investigations, as long as it is consistent with a fair and thorough investigation. However, it is acknowledged that allegations of a serious and complex nature are unlikely to be resolved quickly.

Action on the conclusion of a case

1. In cases where it is decided in the conclusion of the case that the person who has been suspended can return to work, Motiv8Sports will consider how best to facilitate that.

Actions in respect of malicious allegations

18. In the rare event that an allegation is shown to have been deliberately invented or malicious the Director will consider whether any disciplinary action is appropriate against the person who made it, if they are part of the school community. The police will be asked to consider whether any action might be appropriate against the person responsible if they are outside the school community.

Allegations concerning staff not directly employed by the school

19. In some cases, Motiv8Sports will need to consider an investigation case in which normal disciplinary procedures do not apply, and they may need to act jointly with another organisation.

In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self-employed.

Although in those cases, Motiv8Sports will not have a direct employment relationship with the individual; Motiv8Sports will cooperate in an investigation, and in reaching a decision about

- whether to continue to use the person's services
- whether to provide the person for work with children in future



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- whether to report the person to the DfE

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