



**PROCEDURE FOR DEALING WITH ALLEGATIONS  
OF ABUSE MADE AGAINST STAFF**

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SLT Link	HR Manager

Signed  
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Headteacher

## **SCHOOL ETHOS AND VALUES**

Our Christian values are at the heart of the ethos of the school and through these we grow individually and as a community. The Story of the Good Samaritan underpins our 7 core values of:

- Honesty
- Forgiveness
- Empathy
- Courage
- Resilience
- Kindness
- Respect

These core values underpin our policies, procedures and the way we treat one another in our community.

### **Purpose and Application of the Policy**

The protection of students from abuse is the responsibility of all staff.

The Head Teacher and Designated Safeguarding Lead (DSL) should ensure that staff, volunteers and students are aware of how to report concerns of abuse and neglect. A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter. Staff and volunteers are also strongly advised to report any incident, involving themselves that could give rise to concern, including the potential for misinterpretation by others.

These procedures follow the statutory guidance from the DfE document 'Keeping Children Safe in Education'.

This document is updated regularly and a link is provided to the most recent version of the document here: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

These procedures should be read in conjunction with the school's Child Protection and Safeguarding policy.

This policy has two sections covering the two levels of allegation/concern:

1. Allegations that may meet the harm threshold.
2. Allegation/concerns that do not meet the harms threshold

# Section 1: Allegations that may meet the harm threshold

## 1. Introduction

This section of the policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity with children in a school or college

This policy applies to all cases in which it is alleged that a current member of staff, supply teachers, contractors or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child; and/or
- Possibly committed a criminal offence against or related to a child; and/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.

It applies regardless of whether the alleged abuse took place in the school.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

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

## 2. Suspension

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.

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

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children.
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and ensuring parents have been consulted.
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or where available, work for the academy trust.

## 3. Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Headteacher (or Chair of Governors where the Headteacher is the subject of the allegation) – the 'Case Manager' – will take the following steps:

- Immediately discuss the allegation with the Local Authority Designated Officer (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. (The Case Manager 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).

- Inform the accused individual 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.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
- **If immediate suspension is considered necessary**, 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 one working day, and the individual will be given a named contact at the school and their contact details.
- **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 LADO 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.
- **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Individuals may wish to take advice from their trade union (where applicable) and/or to use the school's Employee Assistance Programme (EAP). Details of the EAP are available from HR.
- Inform the parents or carers of the child/children involved about the 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 staff (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.
- Keep the parents or carers of the child/children involved informed of the progress of the case
- only in relation to their child - no information can be shared regarding the staff member.
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.
- 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.
- Where the police are involved, wherever possible the Governing Body will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **Supply teachers and all contracted staff**

If an allegation is made against an individual not directly employed by the School, where our disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business, we will follow the guidance in Keeping Children Safe in Education.

#### 4. Timescales

- The school will aim to resolve any cases where it is clear immediately that the allegation is unsubstantiated or malicious within one week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days. Where further investigation is required, the timescale for the disciplinary process will be adjusted accordingly however the school will be mindful of the need to conclude the process as quickly as possible whilst still ensuring it is robust and fair.

#### 5. Outcomes of Allegation Investigations

Definitions of outcomes of allegation investigation are as follows:

**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 or cause harm to the person subject of the allegation

**False:** there is sufficient evidence to disprove the allegation

**Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

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

#### 6. Specific actions

##### 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.

##### Conclusion of a case where the allegation is substantiated

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 school has a legal duty 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 teaching staff, the Case Manager and HR Manager **must** consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

##### 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 Case Manager will consider how best to facilitate this.

The Case Manager 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.

##### Unsubstantiated or malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

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.

## **7. 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

## **8. Record-keeping**

Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, the Case Manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel 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)
- A copy provided to the person concerned, where agreed by children's social care or the police; and,
- A declaration on whether the information will be referred to in any future reference.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other 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.

## **9. References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious. Substantiated allegations will be included in references, the information provided will be factual and will not include opinions.

## **10. 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

## **11. Non-recent allegations**

Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

## **Section 2: Concerns that do not meet the harm threshold**

### **12. Introduction**

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise in several different ways, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

### **13. Definition of low-level concerns**

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and;
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language

## 14. Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share any concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer any situation which may cause concern. For example, where a situation may be misinterpreted, might appear compromising to others, or where they may have behaved in such a way that could be considered below the expected professional standards
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

## 15. Responding to low-level concerns

The Headteacher, or nominated Investigation Officer, will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct and/or Disciplinary Policy where appropriate.

## 16. Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

## 17. References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance