

# Manor Hall Academy Trust



## **ALLEGATIONS OF ABUSE MADE AGAINST TEACHERS, OTHER STAFF, CONTRACTORS AND VOLUNTEERS POLICY**

**Responsibility for monitoring and reviewing this policy lies with the Headteacher and LAB. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications.**

**The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Headteacher and LAB.**

**Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revision**

Date	Version	Change	Approved By	Changed by
Spring 21	1	Review Date	Directors	Kstaples
Spring 22	2	Addition of section 2, and update whole policy in line with regulations	Directors	Kstaples
Autumn 22	3	Reviewed to ensure compliance with the new regulations	Directors	J Plant and J Johnson
Autumn 23	4	New section 3.9 to reflect changes in KCSIE. Changed the word discipline to sanction in line with new KCSIE. Reformatted.	Directors	J Plant
Autumn 24	5	Added further information in relation to what records need to be maintained by the DSL at section1. Further information provided concerning alternative provision. Section 2 expanded to advise of guides available for children who may need to give evidence in a court setting.		J Plant

## Contents

<b>Manor Hall Academy Trust</b> .....	1
<b>Section 1: Allegations That May Meet The Harms Threshold</b> .....	4
<b>Overarching Statements</b> .....	5
<b>1. Confidentiality and information sharing</b> .....	6
<b>2. Supporting those involved</b> .....	7
<b>3. Introduction to Manor Hall Academy Trust and how they will deal with an allegation of abuse</b> .....	8
<b>4. Timescales</b> .....	13
<b>5. Specific actions</b> .....	13
<b>6. Record-keeping</b> .....	15
<b>7. References</b> .....	15
<b>8. Oversight and Monitoring</b> .....	15
<b>9. Learning lessons</b> .....	16
<b>10. Resignations and settlement agreements</b> .....	16
<b>11. Non-recent allegations</b> .....	17
<b>Section 2- Concerns that do not meet the harm threshold</b> .....	18
<b>12. Introduction</b> .....	19
<b>13 Definition of low-level concerns</b> .....	19
<b>14. Sharing low-level concerns</b> .....	19
<b>15. Responding to low-level concerns</b> .....	20
<b>16. Record keeping</b> .....	20
<b>17. References</b> .....	20
<b>APPENDIX A</b> .....	21

## **Section 1: Allegations That May Meet The Harms Threshold**

## **OVERARCHING STATEMENTS**

- 1. All staff must have a full awareness and understanding of the DfE Keeping Children Safe in Education statutory guidance, Working Together to Safeguard Children statutory guidance and the Manor Hall Academy Trust Safeguarding Policy.**
- 2. ‘The Headteacher has the overall responsibility for managing any allegation from the beginning to the final outcome. Whilst it is good practice to inform and consult with the Local Authority Designated Officer (“LADO”) or Designated Officer of the Local Authority (“DOLA”), they can advise and inform but cannot enforce any sanction or other action within School which is the Headteacher’s responsibility.**
- 3. Whoever hears the allegation should not discuss it with anyone but should immediately report it to the Headteacher/ Case Manager who will be responsible for any referral to the LADO/DOLA**

## 1. Confidentiality and information sharing

It is extremely important that when an allegation is made, the school or college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1st October 2012.

The legislation imposing restrictions makes clear that 'publication' of material that may lead to the identification of the teacher is the subject of the allegation if prohibited. Publication includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally 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 (in exceptional cases where the police would like to depart from that role, for example an appeal to trace a suspect, they must apply to a magistrate's court to request that reporting restrictions be lifted).

The Headteacher/Case Manager ("HT/CM") should take advice from the Local Authority Designated Officer ("LADO") or Designated Officer of the Local Authority ("DOLA"), police and children's social care services to agree, as appropriate, the following:

- Who needs to know and, importantly, exactly what information can be shared;
- Be able to keep detailed, accurate, secure written records of all concerns, discussions and decisions made including the rationale for those decisions. This should include instances where referrals were or were not made to another agency such as LA children's social care or the Prevent program etc.
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

This part of the guidance 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. Any investigations which are conducted by the HT/CM should be completed confidentially and they must not be discussed with anyone else.

It should be used in respect of all cases in which it is alleged that an adult working in a school or college that provides education for children under 18 years of age has:

- Behaved in a way that has harmed a child, or may have harmed or they may pose a risk of harm to a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

## **2. Supporting those involved**

The HT/CM has a duty of care to all adults in the school. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. 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 individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The HT/CM 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 staff in maintained schools and colleges that may include support via the local authority occupational health or employee welfare arrangements. 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 child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the HT/CM should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any sanction process. The deliberations of a sanction hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

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 (see below). If parents or carers wish to apply to the court to have reposting restrictions removed, they should be told to seek legal advice.

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.

### **Children and the Court System**

Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed. There are two age appropriate guides to support children 5-11-year olds and 12-17 year olds.

The guides explain each step of the process, support and special measures that are available. There are diagrams illustrating the courtroom structure and the use of video links is explained.

### **3. Introduction to Manor Hall Academy Trust and how they will deal with an allegation of abuse**

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

This part of the guidance relates to members of staff who are currently working for Manor Hall Academy Trust regardless of whether the school or college is where the alleged abuse took place. Members of staff also include: supply teachers' other staff, volunteers and contractors. Allegations against a teacher who is no longer teaching should be referred to the police.

Manor Hall Academy Trust has a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

The HT/CM will lead any investigation. If the Headteacher is subject to the Investigation, the Head of Governors will lead the investigation. The person will be identified at the earliest opportunity. The HT/CM will inform the LADO or DOLA as well as informing the Trust's HR department.

However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

The HT/CM must inform the CEO of Manor Hall Academy Trust if an allegation is made against any adult working in the school

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The LADO or DOLA should be informed of all allegations that come to a school or colleges attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

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

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 school 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 sanction process, should this be required at a later point.

### **3.1 Suspension of the accused until the case is resolved**

Suspension will not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. Suspension is only considered by the HT/CM as a last resort after all other options have been considered and following a risk assessment. Suspension is unlikely to be considered for low level risk assessments,

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the children involved in the allegations. In some rare cases that will require the HT/CM to consider suspending the accused until the case is resolved. If the HT/CM is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO/ DOLA or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically; the HT/CM must consider carefully whether circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from, their personnel adviser and LADO/DOLA. In cases where the school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

The HT/CM should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO/DOLA , police and children's social care services have no objections to the member of staff continuing to work during the investigation, then the alternative arrangements should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the HT/CM before suspending a member of staff:

- Redeployment within the school or college 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 to alternative work in the school or college so the individual does not have unsupervised access to children;
- Moving the child or children to classes where they will not come into contact with the member of staff making it clear that this is not a punishment and parents or carers have been consulted; or

- Temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of an allegation. Please note that during the time that the child is being taught in an alternative provision setting, the responsibility for the child remain the existing school and not the alternative provision provider.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the HT/CM and the LADO/DOLA. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the HT/CM to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO/DOLA should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

### 3.2 Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove 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
- **False:** there is sufficient evidence to disprove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation

### 3.3 Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the HT/CM will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below:

- a) Discuss the allegation with the LADO/DOLA 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 HT/CM may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – 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 HT/CM will notify the designated officer as soon as practicably possible after contacting the police). In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO/DOLA should discuss with the HT/CM how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school or colleges staff.
- b) Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the HT/CM will only share such information with the individual as has been agreed with those agencies
- c) 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 designated officer, police and/or children's social care services, as appropriate;

### **3.4 If immediate suspension is considered necessary**

The HT/CM will agree and record the rationale for this with the Designated Support Lead ("DSL"). 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 1 working day. The individual will also be given a named contact at the school and their contact details along with as much detail as possible regarding the reasons for suspension.

### **3.5 If it is decided that no further action is to be taken**

The HT/CM will record this decision and the justification for it and agree with the designated officer 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.

### **3.6 If it is decided that further action is needed**

HT/CM take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate

- a) HT/CM will provide effective support for the individual facing the allegation or concerning, including appointment a named representative to keep them information of the progress of the case and also to consider what further support is appropriate.
- b) Where the HT/CM is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- c) 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 HT/CM will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (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 will be shared regarding the staff member)

- d) HT/CM will 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
- e) Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO/DOLA should discuss the next steps with the HT/CM.

All options are open to the school or college and it will be dependent on the nature and circumstances of the allegations along with the evidence and information available. The options range from taking no further action, to 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.

### **3.7 For schools who provide Early Years care;**

The HT/CM will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

### **3.8 Additional considerations for supply teachers and all contracted staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO/DOLA, or equivalent, to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO/DOLA, or equivalent, as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **3.9 Organisations and individuals using school premises**

We will deal with any allegations which relates to incidents where an individual or organisation was using the school premises for running an activity by using our established safeguarding procedure. We will also ensure that we will inform the LADO/DOLA to ensure consistency with any other safeguarding allegation.

## **4. Timescales**

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal sanction action, appropriate action should be taken within 3 working days
- If a sanction hearing is required the LADO/DOLA and the HT/CM will plan and agree a strategy meeting as soon as possible and within 15 working days.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

## **5. Specific actions**

### **5.1 Action following a criminal investigation or prosecution;**

The police should inform the employer and LADO/DOLA immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to

close an investigation without charge or not to continue to prosecute the case after person has been charged.

In those circumstances, the LADO/DOLA should discuss with the HT/CM whether any further action, including sanction action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision.

The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in sanction and criminal proceedings. If a sanction hearing is required and can be held without further investigation, this should be held within 15 working days.

## **5.2 Conclusion of a case where the allegation is substantiated;**

If the allegation is substantiated and the person is:

- dismissed or
- the employer ceases to use the person's services, or
- the person resigns or otherwise ceases to provide his or her services,

The LADO/DOLA should discuss with the HT/CM and their personnel adviser as to whether the school or college will decide to make a referral to the DBS for consideration of inclusion on the barred list is required. In addition, in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

## **5.3 Individuals returning to work after suspension;**

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the HT/CM should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a 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. The HT/CM should also consider how the individual contact with the child or children who made the allegation can best be managed if they are still a pupil at the school or college.

## **5.4 Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any sanction action is appropriate against the individual(s) who made it

## **5.5. Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO/DOLA and HT/CM consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any sanction action is appropriate against the individual(s) who made it

## **6. Record-keeping**

The HT/CM 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.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

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.

## **7. References**

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

## **8. Oversight and Monitoring**

The LADO/DOLA has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The LADO/DOLA will provide advice and guidance

to the HT/CM, as well as, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- Liaising with the LADO/DOLA;
- Taking part in the strategy discussion or initial evaluation;
- Subsequently reviewing the progress of those cases in which there is a police investigation; and
- Sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that as police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## 9. Learning lessons

After any cases where the allegations are *substantiated*, the HT/CM will review the circumstances of the case with the LADO/DOLA 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

For all other cases, the HT/CM will consider the facts and determine whether any improvements can be made.

## 10. Resignations and settlement agreements

If the accused person resigns or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS must be made, if the criteria are met.** If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the school or college from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school or college would not be complying with its legal duty to make the referral.

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 in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation make representations about it. But the process of



recording the allegation and any supporting evidence, and reaching a judgment about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any sanction sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So called "settlement/compromise agreements" by which a person agrees to resign if the employer agrees not to pursue sanction action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the persons notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

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

Abuse can be reported, no matter how long ago it happened.

HT/CM will report any non-recent allegations made by a child to the LADO/DOLA in line with our Local Authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

## **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, other staff, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks such as social media 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
- Humiliating pupils
- 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 low-level concerns confidentially 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 as per section 13 of this policy
- Empowering staff to self-refer
- 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

We aim to create an open culture where staff feel confident that they will be supported to raise low level concerns about the conduct of other staff members, including supply staff,

volunteers and contractors. All information shared with the DSL and, HT/CM would remain confidential and would be addressed in the most reasonable and appropriate way. You can do this by contacting the HT/CM of the school and/or DSL.

### **15. Responding to low-level concerns**

If the concern is raised via a third party, the HT/CM 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 HT/CM will use the information collected to categorise the type of behaviour and determine any further action, in line with the Trust's Code of Conduct. The HT/CM will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

Please refer to the Manor Hall policy Keeping Children Safe in Education – Procedure for responding to low level concerns. (to draft)

### **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 sanction 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 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

## **APPENDIX A**

### **A Guide for Staff Faced with an Allegation of Abuse**

**This hand-out provides information for staff and volunteers who work with children and are faced with an allegation of abuse against them**

#### **Introduction**

Any allegation of abuse is likely to cause anxiety and concern. This guide is intended to help you be as well informed as possible should you be faced with an allegation. It provides an explanation of the process and offers information about appropriate support and guidance.

Your employer's senior manager, responsible for dealing with allegations, should immediately consult the LADO who is responsible for the management and oversight of individual cases, if it is alleged that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child; or
- possibly committed a criminal offence against or related to a child; or
- behaved in a way that indicates s/he is unsuitable to work with children

You should be told about the allegation as soon as possible, but this may be delayed if Police or Children's Social Care need to agree what information can be disclosed. If the senior manager and LADO are clear that an allegation is demonstrably false, you should also be informed of this and told that no further action will be taken.

#### **What happens next?**

If there is cause to suspect a child has been, or could be, harmed or a criminal offence might have been committed, a strategy discussion will be held, involving Police, the LADO, your employer, Social Care and other agencies as appropriate. The aim of the strategy discussion will be to share relevant information, plan and determine whether an investigation needs to be conducted by:

- Social Care under child protection procedures
- Police regarding any possible criminal offences
- Your employer under disciplinary/capability procedures

#### **Internal Investigations**

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of resources and the nature/complexity of the case. It may also need to be delayed so as not to prejudice possible criminal proceedings and investigation which usually have to take precedence. Your employer will inform you of this.

#### **Volunteers and Supply Workers**

If you are a supply worker, contractor or volunteer, the placing agency should be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children.

## **Resignations and Compromise agreements**

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to co-operate. They must not use a “compromise agreement,” i.e. allow you to resign without disciplinary action and with an agreed reference.

## **Timescales**

Cases should be dealt with as quickly as possible consistent with a fair and thorough investigation.

Government guidance sets out target timescales, but these will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be monitored in order to avoid unnecessary delay. However, delays can often occur if criminal proceedings are taken.

## **Suspension**

Suspension is a neutral act, not a sanction. It will not be automatic and alternatives should be considered. Your employer has the final decision, but should take into account the views of Police and Social Care if they are involved. Suspension should be considered in all cases where:

- there is cause to suspect a child is at risk of significant harm, or
- the allegation warrants a police investigation, or
- it is serious enough to be grounds for dismissal

If suspension is being considered, your own agency’s procedures will apply and will normally involve an interview with you having the right to be accompanied by a Trade Union representative or a friend. If such a meeting does occur, it is not an examination of the evidence but an opportunity for you to make representations concerning suspension. If you are to return to work after suspension, your employer should consider how best to manage this, e.g. mentoring.

## **Support**

Your manager should advise you about seeking adequate support for yourself; this may include a range of things including:

- advice to contact your Union representative
- being given the name of a contact who will keep you up to date with progress of the case
- being given the name of a contact to keep you up to date with work activities if suspended (you should not discuss the case with colleagues)
- an offer of the services of the Staff Counselling Service and/or Occupational Health if available to your agency.

You are also advised to contact your GP if you feel your health is being affected.

## **Notifications**

Confidentiality should be respected and people only told on a ‘need to know’ basis. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents/carers, children or the public.

## **Record Keeping**

A comprehensive summary of the case should be kept on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations found to be without substance. You should be provided with a copy of the summary. Other agencies, if involved, will keep their own records.

## **Independent Safeguarding Authority**

Your employer, and placing agency if appropriate, have a statutory duty to report details of the case to the ISA where an independent panel will consider the case of barring you from, or placing restrictions on, working with children or young people, if:

- you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- you resign before a disciplinary process is completed and your employer considers that the evidence was sufficient to consider dismissal

If you are referred, you will be sent a letter explaining the process, including your right to make representation.

## **Alleged criminal offence**

If police decide to investigate, you may be arrested or invited to assist voluntarily with the investigation. You should contact your Trade Union and/or a solicitor for advice. If arrested or interviewed, you should be cautioned: "You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

At the police station you will be entitled to free and independent legal advice. You can see a Duty Solicitor, but if you want to use your own make sure he/she specialises in criminal law.

If 'assisting with the investigation' and not under arrest, you should be told that you are free to leave if you wish to do so. If arrested, you will be seen by the Custody Officer who will explain your rights in detail, including the right to have someone informed and to consult and read the "Code of Practice" that covers treatment during detention and interview. The Custody Officer will maintain a record of your period of detention.

Following arrest, you can usually be held for up to 24 hours, after which you must be charged or released. This can be extended up to 36 or 96 hours by a Superintendent or Magistrate, respectively, depending on the seriousness.

Decisions about charging rest with the Crown Prosecution Service (CPS) who acts independently of the police. If you admit the offence, the CPS may advise a caution, i.e. a formal warning about your actions. A caution will be recorded by the police and may influence a decision about instituting proceedings should you offend again. A caution could affect your ability to work with children in the future, and in sexual abuse cases could result in you being placed on the Sex Offenders Register. You should seek advice from your solicitor before agreeing to accept a caution. If the CPS advises the police to charge you, this will be carried out by the custody officer. You will then either be released on bail to appear in court at a future date or kept in custody to appear at the next available court. The responsibility for the prosecution will lie with the CPS.

After criminal proceedings it may still be that your employer decides to take disciplinary action. In any case you will be informed of any proposed actions as soon as possible after completion of criminal proceedings.

At any time during an allegation investigation/enquiry please do ask questions if you are not clear what is happening or why.

Staff involved in making enquiries do recognise the anxieties raised by such matters but must ensure a fair and thorough approach at all times. If you feel this is not happening, please do raise this with your manager.