

Statement of Procedures:

Allegations against Staff Policy – linked to Child Protection and Safeguarding Policy

ISP School Battle



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1. Aims

This statement is part of our overall strategy to safeguard and promote the welfare of children. Their welfare is paramount. We also believe that adults about whom there are concerns should be treated fairly and honestly and provided support.

2. Introduction

This statement applies to all cases in which it is alleged that a current 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 towards a child or children in a way that indicates he or she would pose a risk of harm to children

It applies regardless of whether the alleged abuse took place in the school or not. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

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.

3. 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 parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for ISP

4. Definitions for outcomes 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 prove or disprove the allegation (this does not imply guilt or innocence)

5. Procedure for dealing with allegations

SAFER WORKFORCE AND MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

This forms part of our Child Protection and Safeguarding Policy, September 2022

Our school has robust safer recruitment procedures to help prevent unsuitable people from working with children. Please see Safer Recruitment Policy for further details.

- 5.1 All individuals working in any capacity at our school will be subjected to safeguarding checks in line with the statutory guidance Keeping Children Safe in Education: September 2021.
- 5.2 We will ensure that agencies and third parties supplying staff provide us with written confirmation that they have made the appropriate level of safeguarding checks on individuals working in our school. We will also ensure that any agency worker presenting for work is the same person on whom the checks have been made.
- 5.3 Professional visitors, such as Educational Psychologists, Social Workers or Local Authority Officers, will be expected to provide a professional proof of identity. Where necessary we will seek further reassurances from their employers that these persons have suitable DBS clearance etc.
- 5.4 External organisations can provide a varied and useful range of information, resources and speakers that can help our school to enrich children's education, but we will always give careful consideration to the suitability of any external organisations. This may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.
- 5.5 Parents or other relatives of children or other visitors attending activities such as a parents evening or sports day will not be expected to provide any DBS or barred list checks. The headteacher and DSL will decide case by case or event by event the level of supervision, if any, required for such persons.

- 5.6 We will ensure that we receive written confirmation from Alternative Provision providers that they have made the appropriate level of safeguarding checks on individuals working for their organisation.
- 5.7 Every job description and person specification will have a clear statement about the safeguarding responsibilities of the post holder.
- 5.8 We will ensure that at least one member of every interview panel has completed safer recruitment training.
- 5.9 The headteacher and the nominated governor for child protection are responsible for ensuring that our single central record is accurate and up to date.
- 5.10 We have a procedure in place to manage allegations against members of staff and volunteers, including low-level concerns, no matter how small, in line with Keeping Children Safe in Education. This procedure is detailed in Appendix A of this policy.

PROCEDURE FOR MANAGING ALLEGATIONS OF ABUSE AGAINST STAFF

- 5.11 Within this document the term staff should be broadly read as any adult working within the school, whether directly employed, providing a contracted service, a one-off service such as a supply teacher or a volunteer.
- 5.12 Our aim is to provide a safe and supportive environment which secures the wellbeing and very best outcomes for the children at our school. We do recognise that sometimes the behaviour of adults may lead to an allegation of abuse being made.
- 5.13 Allegations sometimes arise from a differing understanding of the same event but, when they occur, they are distressing and difficult for all concerned. We also recognise that some allegations are genuine and there are some adults who deliberately seek to harm or abuse children.
- 5.14 We will take all possible steps to safeguard our children and to ensure that the adults in our school are safe to work with children. We will always ensure that the procedures outlined in Keeping Children Safe in Education September and Pan Sussex Procedures are adhered to and will follow the flowchart in Appendix F of this policy.
- 5.15 If an allegation is made or information is received about an adult who works in our school which indicates that they have:
- 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 may pose a risk of harm to children; and/or;

- behaved or may have behaved in a way that indicates they may not be suitable to work with children

the member of staff receiving the information will inform the headteacher immediately. Should an allegation be made against the headteacher, this will be reported to the Chair of Governors. In the event that neither the headteacher nor Chair of Governors are not contactable on that day, the information must be passed to and dealt with by either the member of staff acting as headteacher or the Vice Chair of Governors.

- 5.16 The headteacher or Chair of Governors will follow the flowchart in Appendix F of this policy. No member of staff or the governing body will undertake further investigations before receiving advice from Single Point of Advice or LADO.
- 5.17 Any member of staff or volunteer who does not feel confident to raise their concerns with the headteacher or Chair of Governors should follow the flowchart in Appendix F of this policy and make the appropriate contact direct.
- 5.18 Supporting people:
- The school together with Children’s Social Care and the police, if they are involved, will consider the impact on the child concerned and provide support as appropriate.
 - The headteacher will ensure that the child and family are kept informed of the progress of the investigation.
 - The school will need to contact their Personnel/HR lead for the organisation for advice in relation to the investigation of any allegation in line with the Councils’ Disciplinary Policy, where appropriate.
 - The staff member who is the subject of the allegation will be advised to contact their union, professional association or a colleague for support, (depending on the outcome of the safeguarding strategy meeting which will be chaired by Children’s Social Care or the LADO if the staff member is employed by ESCC).
 - The Personnel/HR lead for the organisation will ensure that the staff member is provided with appropriate support, if necessary, through occupational health or welfare arrangements.
 - The headteacher will appoint a named representative to keep the staff member updated on the progress of the investigation; this will continue during any police or section 47 investigation or disciplinary investigation.
 - The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is 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).
- 5.19 The school has a legal duty to refer to the Disclosure and Barring Service (DBS) anyone who has harmed, or poses a risk of harm, to a child, 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. If these circumstances arise in relation to a member of staff at our school, a referral will be made as soon as possible after the resignation or removal of the individual in accordance with advice from the LADO and/or the Personnel/HR lead for the organisation. In the case of a member of teaching staff, a decision will be made about whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

- 5.20 In line with Keeping Children Safe in Education under no circumstances will the school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.
- 5.21 Where there are conduct issues with a supply teacher, which may not reach the threshold for safeguarding, we will consult the LADO nonetheless.
- 5.22 The agency for the supply teacher will be fully involved and expected to co-operate in any enquiries from the LADO, police and/or children's social services.
- 5.23 Where directed to do so by the LADO, police and/or children's social services, the school will support any safeguarding investigation of a supply teacher by collecting the facts when an allegation is made.
- 5.24 In this respect it may be that the school take a lead on that safeguarding element of investigation.

Procedure for managing low-level concerns

- 5.25 As part of our whole school approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 5.26 Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable our school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school.
- 5.27 If anyone has a 'low-level' concern this does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in section 13 of this annex. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt'

- 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, but does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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

- Being over 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.
- Humiliating children

5.29 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

5.30 It is crucial that any such concerns, including those which do not meet the allegation/harm threshold, are shared responsibly with the Head Teacher (this should include self-referral) so that they can be recorded and dealt with appropriately. (Where the concerns may be about the Head Teacher, see 13.5 above for who to refer these to). Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential low-level concerns or misunderstandings.

5.31 If the concern has been raised via a third party, the Head Teacher will collect as much evidence as possible by speaking directly to the person who raised the concern, unless it has been raised anonymously and to the individual involved, along with any witnesses.

5.32 Where a low-level concern arises about supply staff or contractors, their employer will be notified so that any potential patterns or inappropriate behaviour can be identified.

5.33 If there is ever any doubt as to whether information which has been shared about a member of staff as a low-level concern in fact meets the threshold of harm, then the LADO will be consulted.

5.34 To ensure that there is clarity about how staff should behave, and to avoid inadvertent or thoughtless behaviour, staff should ensure that they have fully read and understood the Staff Code of Conduct.

- *All low-level concerns should be recorded in writing. Schools and colleges can decide where these records are kept.*
- *Records should be reviewed so that potential patterns of concerning behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action through its disciplinary procedures.*
- *It is for schools and colleges to decide how long they retain such information.*

6. Timescales

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 10 working days. 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.

7. Specific Actions

Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer 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's personnel adviser will discuss with the designated officer whether 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 Business Partner will discuss with the designated officer whether to refer the matter to the NCTL 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 shown to be deliberately invented, or malicious, the Head Teacher, or other appropriate person in the case of an allegation against the Head Teacher, 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.

8. 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 local authority's designated officer, 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

9. Record-keeping

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) If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual. We will retain these 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. They will be held with the file, in a secure database accessed by key adults. The records of any allegation that is found to be malicious will be deleted from the individual's file.

10. 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.

11. Learning lessons

After any cases where the allegations are substantiated, we will review the circumstances of the case with the local authority's designated officer 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.

12. Monitoring arrangements

The Governing Body is responsible for monitoring and reviewing this statement. This document will be reviewed annually. At every review, the policy will be shared with the governing board.

13. Links with other Policies

This statement is written in conjunction with the Complaints Procedure, Safeguarding, Child Protection and Whistle Blowing policies. It is based on the DfE's statutory guidance documents Keeping Children Safe in Education 2023 and Dealing with Allegations of Abuse Against Teachers and Other Staff.