

# ALLEGATIONS AGAINST STAFF

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## 1. POLICY STATEMENT

- 1.1. Within this policy 'we' and 'us' means the Federation.
- 1.2. At all times we will follow the Department for Education's statutory guidance as set out within ['Keeping Children Safe in Education'](#).
- 1.3. We recognise that any allegation is serious and needs to be dealt with in a sensitive, efficient, 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. It is also important that those with responsibilities described in this procedure act without delay. All parties involved are likely to be distressed. Any disruption to the normal running of the Federation should be minimised.
- 1.4. We are clear that in the event of an allegation being proven false or malicious, there may follow the immediate permanent exclusion of the student making the allegation, should they have made the allegation.

## 2. APPLICATION

- 2.1. This applies to all staff, students, visitors and trustees/governors and contractors, volunteers and agency staff working within the Federation.

## 3. WHO IS RESPONSIBLE FOR CARRYING OUT THIS POLICY?

- 3.1. The implementation of this policy will be monitored by the Directors of the Federation.

## 4. PRINCIPLES

- 4.1. This policy provides the steps to take where there is an allegation of abuse against a member of staff in relation to a student studying at a school within the Federation. The process described in this document is intended for use with all staff. In this procedure, the term 'parents' means all those having parental responsibility for a child.

## 5. PROCEDURE

- 5.1. The Executive Principal will designate a Designated Safeguarding Lead (DSL) for each Academy. The Executive Principal shall advise the Directors and all members of staff of the name of our DSLs and inform them of any changes.

## 6. RECEIVING AN ALLEGATION

- 6.1. All allegations of abuse including low-level concerns made against a person defined in paragraph 2.1 in relation to a student must be reported immediately to either the Executive Principal or the relevant Head of School.

- 6.2. In the case of allegations of abuse and low-level concerns that are reported to a Head of School, the Head of School must not discuss the allegation with the accused person prior to reporting the matter to the Executive Principal.
- 6.3. In the event of the allegation being made against the Executive Principal, the Chair of Trustees will undertake the role assigned to the Executive Principal throughout this procedure.
- 6.4. The Executive Principal/Head of School must make a written record (timed and dated) of what has been reported. If possible, the allegation or low-level concern should be written by the student, or the person to whom the allegation was first made.
- 6.5. Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.

## 7. EXECUTIVE PRINCIPAL'S INITIAL RESPONSE TO AN ALLEGATION

- 7.1. The Executive Principal should decide whether any enquiries are necessary in order to determine whether or not to refer the matter to Children's Services (the LADO) or the police. Before contacting the LADO, the Executive Principal or delegated senior leader should conduct basic enquiries to establish whether there is any foundation to the allegation.
- 7.2. Where the Executive Principal considers that a referral might be warranted under safeguarding procedures, the matter must be referred to the Local Authority Designated Officer (LADO) without delay. Guidance set out in Part 4 of [Keeping Children Safe in Education](#) will be used as a guide for determining whether thresholds for a referral have been reached. The school will discuss with the LADO how and by whom the investigation will be undertaken. Investigations will normally be undertaken by a senior leader.
- 7.3. At this initial stage, the Executive Principal, in consultation with any external agencies, should decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.
- 7.4. If the Executive Principal decides to refer an allegation to the Children's Services and/or the police, any internal Federation enquiries should be held in abeyance until the social services/police have indicated that they have no further involvement.

## 8. IF AN EXTERNAL REFERRAL IS DECIDED UPON

- 8.1. The Executive Principal should contact the Duty Officer at the social services office or the police, as appropriate, to report the allegation.
- 8.2. The Executive Principal should discuss with the Duty Officer what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.
- 8.3. The Executive Principal should inform the Chair of Trustees that an allegation relating to a member of staff has been referred. At this stage, the Executive Principal should not describe the circumstances of the allegation to the Chair of Directors.
- 8.4. The Executive Principal should prepare a standard response to queries by parents and the media. The response should indicate that:
  - the matter is governed by procedures which the Executive Principal is obliged to follow;
  - the matter is in the hands of the appropriate agencies and no further comment can be made;
  - no names can be given for public use.
- 8.5. When inter-agency discussions take place, it is essential that the Executive Principal or a substitute attend.
- 8.6. When the appropriate agencies have completed their procedures, the Executive Principal may decide that an internal investigation should be carried out to establish whether or not our disciplinary procedure should be invoked. Any disciplinary investigation will follow the Federation Staff Disciplinary Policy. Interviews with children should be kept to a minimum.

## 9. IF AN EXTERNAL REFERRAL IS NOT MADE

- 9.1. An external referral would not normally be made when the Executive Principal is satisfied that children are not at risk of significant harm or that a reportable criminal offence has not been committed.
- 9.2. An internal investigation should be carried out to establish the circumstances. If the Executive Principal decides that disciplinary action may be appropriate, the Federation Staff Disciplinary Policy should be followed. Interviews with children should be kept to a minimum.

## 10. SUSPENSION OF STAFF

- 10.1. Suspension should not automatically follow an allegation but it may be an appropriate step at any stage, depending on the information available. All options to avoid suspension should be considered prior to taking that step. Suspension is not a disciplinary action.
- 10.2. The decision on suspension is for the Executive Principal to take. Where external agencies are involved, any decision on suspension should be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, potential criminal proceedings and the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.
- 10.3. Staff who are suspended should receive written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension. Staff should be advised that a designated senior leader will be their point of contact. Staff who are suspended should also be advised to contact their teacher association, trade union or other professional body.

## 11. LOW-LEVEL CONCERNS

- 11.1. 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.
- 11.2. 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 Federation.
  - Pre-employment vetting checks.
- 11.3. We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

## 12. DEFINITION OF LOW-LEVEL CONCERNS

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

- Is inconsistent with the Federation Staff Safer Care 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 LADO.

12.2. 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 students.

## 13. SHARING LOW-LEVEL CONCERNS

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

13.2. 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.
- 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.

## 14. RESPONDING TO LOW-LEVEL CONCERNS

14.1. If the concern is raised via a third party, the Executive Principal 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.

14.2. The Executive Principal will use the information collected to categorise the type of behaviour and determine any further action, in line with the Federation Staff Disciplinary Policy and Staff Safer Care Code of Conduct Policy. The Executive Principal will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

14.3. The Executive Principal will review the information and determine whether:

- the behaviour is in fact appropriate, i.e. entirely consistent with the Federation Staff Safer Care Code of Conduct Policy and the law,
- the behaviour constitutes a low-level concern,
- there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact may meet the harm threshold, in which case they should consult with their LADO,
- in and of itself the behaviour may meet the harm threshold, and should be referred to the LADO/other relevant agencies, or
- when considered with any other low-level concerns that have previously been shared about the same individual, the behaviour may meet the harm threshold, and should be referred to the LADO/other relevant external agencies.

## 15. RECORDING LOW-LEVEL CONCERNS

15.1. All low-level concerns will be recorded in writing, including:

- all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above);
- all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);
- their determination
- the rationale for their decision; and
- any action taken

15.2. All low-level concerns, including those which the Executive Principal subsequently deems to relate to behaviour which is entirely consistent with the Federation Staff Safer Care Code of Conduct Policy, will be logged on a secure and confidential central low-level concerns file.

15.3. The low-level concerns file will be reviewed periodically by the Executive Principal/DSL to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of inappropriate, problematic or concerning behaviour are identified.

15.4. A record of these reviews will be made.

15.5. Records will be:

- Kept confidential, held securely and comply with the Federation Stakeholder Data Protection Policy.
- 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, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the Federation.
- A record of the concern itself will be kept on the member of staff's personnel file.

15.6. 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.

## 16. REFERENCES

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

- The concern (or group of concerns) has met the threshold for referral to the LADO 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.



## 17. ROLE OF THE GOVERNING BODY

17.1. Members of the Governing Body will not normally become involved in child protection inquiries involving members of staff, unless the Governor is subsequently requested to participate under our disciplinary procedure.

## 18. RECORD KEEPING

18.1. The Executive Principal/Head of School is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.

18.2. The Executive Principal/Head of School should also ensure that a record is maintained of the process followed in handling the allegation. The Executive Principal should verify the accuracy of that record.

18.3. These records must be stored securely.

## 19. SUPPORTING THOSE INVOLVED

19.1. The welfare of the child is paramount and this will be the prime concern in terms of investigating an allegation. However, we recognise that employers have a duty of care to their employees. 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 explained 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 be made aware of the requirements to maintain confidentiality whilst investigations are in progress. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

19.2. The Executive Principal 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. 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.

- 19.3. 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 Executive Principal 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.
- 19.4. Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in [section 141F of the Education Action 2022](#). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.