

# Allegations of Abuse Against Staff – Including Low Level Concerns



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## **PROCEDURE FOR DEALING WITH ALLEGATIONS AGAINST MEMBERS OF STAFF – INCLUDING LOW LEVEL CONCERNS**

All Nene Valley Partnership schools will follow Part 4 of *Keeping Children Safe in Education (2022)* ('KCSIE') and Northamptonshire Safeguarding Children Partnership ('NSCP') guidance.

### **1. Allegations that may meet the harms threshold**

In the event that there is an allegation of abuse against a member of staff, the school will adhere to Part 4, Section 1 of KCSIE (2022) and NSCP guidance. See Appendix 1 for more details.

Allegations that may indicate that a person would pose a risk of harm if they continue to work in their present position or in any capacity with children in a school or college include:

- staff having behaved in a way that has harmed a child, or may have harmed a child;
- staff possibly committing a criminal offence against or related to a child;
- staff behaving towards a child or children in a way that indicates they may not be suitable to work with children; and/or
- staff behaving or possibly behaving in a way that indicates they may not be suitable to work with children.

This includes behaviour or incidents that have occurred both in school and outside of school.

### **Allegations against the Headteacher/Head of School ('Head')**

If an allegation is made against the Head, it must be reported to the Chair of Governors:

- Bozeat Primary School – Lorna Moy
- Cogenhoe Primary School – Kate Coulson
- Irchester Community Primary School – Lucy Winrow
- Wollaston School – Michael Thomas

### **Allegations against staff**

If a concern or allegation of abuse arises against any member of staff, supply teacher or volunteer other than the Headteacher, it must be reported directly to the Head without delay. This includes supply staff, volunteers and anyone working in or on behalf of the school, whether paid or unpaid. Allegations of abuse against staff must be reported to the Head or Chair of Governors as appropriate and not discussed directly with the person involved.

The Head or Chair of Governors should consider if the concern or allegation meets the threshold for Designated Officer intervention.

Allegations against staff relating to a position of trust issue will be referred to the Local Authority Designated Officer ('Designated Officer') within 24 hours. If a child has suffered or may have suffered abuse or harm, a MASH referral will also be made and the police will be contacted if necessary.

A referral to the Disclosure and Barring Service ('DBS') will be made if a member of staff is dismissed or removed from their post as a result of safeguarding concerns, or would have been removed if they had not have resigned.

### **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, will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with local authority children social care and the police. Abuse can be reported no matter how long ago it happened.

### **2. Safeguarding concerns that do not meet the harm threshold (low level concerns)**

In the event that there is a safeguarding concern about a member of staff, we will adhere to guidance outlined in Part 4, Section 2 of KCSIE (2022) and NSCP guidance.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the harms threshold. 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 or college 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.

It is essential that low level concerns are reported. Such behaviours 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. We will act quickly, proportionately and appropriately in the event of a low-level concern, to prevent abuse or harm of a child and to promote a culture of safeguarding. Dealing with low level concerns also protects those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

Staff will receive training about what may constitute a low-level concern. More information can be found in Part 4 of KCSIE (2022).

### **Reporting low level concerns**

Low level concerns should be reported to the Headteacher or Head of School.

All low-level concerns should be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible. These records will be retained securely in the school office (primary schools) or in the relevant staff file and administered by the HR Manager (Wollaston School).

The Head may:

- speak directly to the person who raised the concern (unless it has been raised anonymously); and
- speak to the individual involved and/or witnesses.

The Head will then categorise the type of behaviour and decide on an appropriate course of action. This will be recorded, along with rationale for any decisions made and details of action taken.

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. In the event that patterns and/or wider cultural issues within the school are identified, the school will either:

- take action through our disciplinary procedures;
- refer behaviour to the Designated Officer where a pattern of behaviour moves from a concern to meeting the harms threshold; and/or
- revise policies or implement extra training as appropriate, to minimise the risk of behaviour happening again.

We will retain low level concerns information in staff files until the individual ceases employment at the school.

### **3. Supply staff**

Although the school does not directly employ supply teachers, we will ensure that any concerns or allegations against supply teachers are handled properly. We will never cease to use a supply teacher for safeguarding reasons without finding out the facts and liaising with the Designated Officer to reach a suitable outcome.

The Governing body will liaise with the supply agency to determine whether to suspend or redeploy the supply teacher whilst they carry out their investigation.

Low Level Concerns will also be reported to the supply agency and/or employer.

The school will inform supply agencies of its process for managing allegations and will take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. Informing supply agencies of our process for managing allegations includes inviting the agency's human resource manager (or equivalent) to meetings and regularly updating agencies on relevant school policies.

### **4. Learning lessons**

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the case manager and the LADO will work together to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future.

This will include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases, where the allegation concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

The Head teacher or Head of School will keep a log of lessons learned and the subsequent actions they have taken (if required) in order to improve the school's practice, policies or procedures.

## **Appendix 1: How the school responds to allegations that may meet the harms threshold**

This section of this policy applies to all cases in which it is alleged that a current member of staff, including a supply teacher 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 they may pose a risk of harm to children, or
- 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 or elsewhere. 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 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.

For more information about how the school responds to low-level concerns (concerns do not meet the harms threshold) please see this policy and the staff code of conduct.

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

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. We will seek views from our personnel adviser, the Designated Officer, the police and/or Children's Social Care (as appropriate).

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 have been consulted.
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the academy trust.

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

## Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Head (or Chair of Governors where the Head is the subject of the allegation) – the ‘case manager’ – will take the following steps:

- Immediately discuss the allegation with the Designated Officer. 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 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 case manager will notify the Designated Officer 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 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 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 Designated Officer, 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 Designated Officer. 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, 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 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.
- **If it is decided that further action is needed**, 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.
- 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.
- Colleagues will be reminded they are entitled to support available from their professional association during the process.
- 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 members of staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- 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 academy trust 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.

### **Additional considerations for supply staff**

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

We will never cease to use a supply teacher for safeguarding reasons without first finding out the facts and liaising with the Designated Officer to reach a suitable outcome. The Governing Board will discuss with the agency whether it is appropriate to suspend the supply teacher, 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 Designated Officer 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.

### **Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 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.

### **Specific actions**

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

The case manager will discuss with the 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 they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the Designated Officer 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 shown to be deliberately invented, or malicious, the Head, or other appropriate person in the case of an allegation against the Head, 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.

### **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 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.

### **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.

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. The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

### **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.

## Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the 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

For referrals regarding adults in education and other information on the role of the Designated Officer please visit: <http://www.northamptonshirescb.org.uk/schools/referrals-eha/designated-officer/>

If it is decided by the Designated Officer that the allegation does not meet the threshold for safeguarding, it will be handed back to the employer for consideration via the school's internal procedures.

## CONTACT DETAILS

### Bozeat Primary School

**The Chair of Governors is:**

NAME: Lorna Moy CONTACT NUMBER: 01933 663840

**In the absence of the Chair of Governors, the Vice Chair should be contacted. The Vice Chair is:**

NAME: Laura Mullan CONTACT NUMBER: 01933 663840

### Cogenhoe Primary School

**The Chair of Governors is:**

NAME: Kate Coulson CONTACT NUMBER: 01604 890380

**In the absence of the Chair of Governors, one of the Co-Vice Chairs should be contacted. The Co-Vice Chairs are:**

NAME: Piyus Tanna and James Woolley CONTACT NUMBER: 01604 890380

### Irchester Community Primary School

**The Chair of Governors is:**

NAME: Lucy Winrow CONTACT NUMBER: 01933 353848

**In the absence of the Chair of Governors, the Vice Chair should be contacted. The Vice Chair is:**

NAME: Damon Fox CONTACT NUMBER: 01933 353848

### Wollaston School

**The Chair of Governors is:**

NAME: Michael Thomas CONTACT NUMBER: 01933 663501

**In the absence of the Chair of Governors, the Vice Chair should be contacted. The Vice Chair in this school is:**

NAME: Sara Austin CONTACT NUMBER: 01933 663501

Multi-Agency Safeguarding Hub ('MASH'): **0300 126 7000 (Option 1)**