



**A Jewish school where
everyone is welcome**

Policy on Managing Allegations Against Staff, Supply Teachers, Volunteers and Contractors

Status	Statutory
Last reviewed	Sept 2021
Ratified	Full Governing Body
Review period and due date	September 2022 (Annual)

Linked Policies

This policy should be read in conjunction with the following policies:

- Safeguarding and Child Protection policy
- Peer on Peer Abuse Policy
- Anti-bullying Policy
- Positive Handling Policy (Updating)
- Staff Disciplinary Policy
- Staff Code of Conduct
- Complaints Policy
- Whistleblowing Policy

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INTRODUCTION AND PURPOSE

Eden Primary is committed to providing the highest level of care for both its pupils and staff. It is important that any allegation of abuse against a member of staff, a volunteer or anyone working or volunteering in the school is dealt with thoroughly and efficiently, maintaining the highest level of protection and concern for the welfare of all children and investigating any allegation thoroughly, whilst giving support to the person who is the subject of the allegation.

This policy is designed to ensure that all members of the school community are aware of the procedure for investigating allegations of abuse in order that all concerns are dealt with consistently, fairly and efficiently.

This policy is firmly linked to the Eden Safeguarding and Child Protection Policy and is in line with statutory guidance from the DfE. It is based on Part 4 of Keeping Children Safe in Education 2021, including Section 1: Allegations that may meet the harms threshold and Section 2: Allegation/concerns that do not meet the harms threshold – referred to in the guidance as ‘low level concerns’.

SECTION 1: Allegations That May Meet the Harms Threshold.

This 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 he or she 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 – this includes behaviour taking place inside and outside school.

Where there is concern or doubt about transferable risk to children related to something occurring outside school advice should be sought from the Local Authority Designated Officer(LADO).

Eden Primary deals with any allegations of abuse in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A ‘**case manager**’ will lead any investigation. This will be the Head Teacher, or the Chair of Governors where the Head Teacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Reporting an Allegation

Any concern about, or allegation made against a member of staff or volunteer must be reported straight away to the Head Teacher, Jo Sassienie, jo@edenprimary.org.uk In cases where the head teacher is the subject of a concern or allegation, this must be reported to the Chair of Governors, chair@edenprimary.org.uk.

Staff who are concerned about the conduct of a colleague towards a pupil may feel placed in a difficult situation. They may worry about their understanding of the situation or jeopardising a colleague's career. Staff must remember that the welfare of the child is paramount and must report their concerns immediately. They may wish to consult school policies such as the Staff Code of Conduct to help clarify their concerns.

The Head Teacher or Chair of Governors will contact the [Local Authority Designated Officer \(LADO\)](#), in line with procedures explained below, to agree further action to be taken and to decide whether:

- No further action is required
- An internal investigation should take place
- A strategy meeting should take place
- There should be immediate involvement of the police or social care

An investigation into allegations is normally be carried out by the school or social care and this will be agreed at the initial evaluation stage in discussion with the LADO. Where the school is not conducting the investigation it will cooperate fully with the relevant agencies.

Eden Primary's procedures for dealing with allegations will be applied with common sense and judgement.

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.

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 or additional member of staff 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 or allowing working from home

If in doubt the case manager will seek advice and views from the school's HR advisor and designated officer at the local authority as well as the police or child social care where they are involved.

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 or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedures for Dealing with Allegations

In the event of an allegation that meets the criteria above, the 'case manager' (the Head Teacher (or chair of governors where the head teacher is the subject of the allegation), will take the following steps:

- Conduct **basic enquiries** (before contacting the LADO) in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example: Was the individual in school at the time? Did the individual or could the individual have come into contact with the child? Are there any witnesses? Is there CCTV footage? The school will familiarise itself with information the LADO may require.
- Discuss the allegation with the **designated officer at the local authority (LADO)**. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the 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.)
- In agreement with agencies involved inform the **Chair of Governors** and/or the Governor for Safeguarding

- **Inform the accused individual** of the concerns or allegations and likely course of action as soon as possible after speaking to and as agreed with 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 and HR advisor as appropriate
- Where the case manager 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 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. The school has a duty of care to all employees and the investigation of an allegation can be stressful for an individual and their family. The school will seek to manage and minimize stress caused by the investigation in ways that are relevant for each individual case. Staff will be advised that they may wish to contact their trade union representative. Support is available to staff or volunteers at Eden in the following ways: collegial support, a range of support services from the insurance company SAS, a range of services and support from Education Support including counselling and listening services free to staff, signposts to a range of listening and support services such as Samaritans, occupational health, advice on a range of different services related to specific issues such as legal, psychological and medical concerns. The school will not prevent social contact with colleagues and friends unless advised otherwise.
- 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, the LADO and/or the police, if applicable). Parents and carers will be kept informed about the progress of the case only in relation to their own child. No information can be shared about the staff member. Parents and carers will be made aware of the requirement to maintain confidentiality and avoid unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (paragraphs 372-380). Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

- The case manager will **monitor the progress** of the case and review this at least monthly.
- 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

(For early years providers there is a requirement to 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.)

If the school is made aware that the Secretary of State has made an **interim prohibition order** in respect of an individual, Eden will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the governing body will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Additional considerations for supply staff and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff 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 the LADO to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the supply teacher or contracted staff member, 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 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

We will deal with all allegations as quickly and as effectively as possible and we 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 will be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken 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.

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

Resignations and settlement agreements

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should not be used where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

Eden will not cease their investigations if the person leaves, resigns or ceases to provide their services. 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.

Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if 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 disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

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 school has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. This will be discussed with the LADO or HR advisor before proceeding.

There is a legal requirement for the school to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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 in each individual case.

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, 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 disciplinary action is appropriate against the individual(s) who made it

Unsubstantiated, Unfounded, False or Malicious Allegations

If an allegation is:

- determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager 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 disciplinary action is appropriate against the individual(s) who made it

The school's behavior policy will set out the disciplinary action to be taken if a child is found to make malicious allegations against school staff. If the allegation is made by a person who is not a pupil the school will consult with the LADO and HR as to what further action may be taken.

Confidentiality and Information Sharing

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

A breach of confidentiality will be taken seriously and may warrant its own investigation.

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.

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.

Details of allegations made by pupil will be kept confidentially in their records and on CPOMS.

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

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.

For all other cases the case manager will consider the facts and determine whether any improvements can be made.

Non-Recent Allegations

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

The school will report any non-recent allegations made by a child to the LADO 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

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

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

Concerns may arise through, for example:

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

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

Definition of Low-Level Concerns

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

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

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

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language
- Not complying with expectations of with regards managing behaviour

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 so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others

- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- 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.

Responding to Low-Level Concerns

If the concern is raised via a third party, the head teacher 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 head teacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's Staff Code of Conduct or Disciplinary Procedures

The Staff Code of Conduct is reviewed and shared with staff each year.

The Staff Disciplinary Policy will be consulted and implemented if deemed relevant.

Coaching and supervisory processes will be employed to address low level concerns.

Discussion with the SLT will help to determine next steps and relevant support.

KCSIE makes a link to: [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#)

Record- Keeping

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

Records will be:

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

References

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

The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or

The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

Whistleblowing

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school safeguarding regime. The leadership team at Eden Primary School will take all concerns or allegations received seriously.

All members of staff are made aware of the school **Whistleblowing Policy** which can be found on the school shared drive in *Policies*. All staff sign to say they have read and understood this policy each year. It is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk.

Staff can access the NSPCC whistleblowing helpline if they do not feel able to raise concerns regarding child protection failures internally.

Staff can call 0800 028 0285 (8:00 AM to 8:00 PM Monday to Friday) or email help@nspcc.org.uk.

Monitoring and Evaluation of Policy

The policy will be regularly evaluated and updated in terms of implementation and effectiveness to ensure that it fully reflects school practice, changing context and needs and follows statutory advice. The evidence used will include:

- Record keeping systems analysis and evaluation
- SLT discussions that are minuted
- Staff supervision and appraisal information and records
- Staff briefings on safeguarding and Code of Conduct minuted
- Staff CPD, training and discussion
- Surveys of pupils, staff and parents including annual surveys, regular surveying of and discussion with children, gathering feedback from parents, focus groups, etc.
- Safeguarding and SEND records and logs
- Termly report to the full governing body to include information about allegations.
- Safeguarding and Chair of Governor visits and discussions

- Case studies with what has been learned.

This policy will be reviewed by the Head Teacher and full governing body every year.