

Policies and Procedures

Title:	Allegations of abuse against staff
Associated Policies:	Complaints Policy Disciplinary Policy Online Safety and Acceptable Use Policy Safer recruitment Safeguarding and Child Protection Policy Whistle Blowing Policy

1 Policy Statement

This policy 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- Exhibited behaviour that may be graded “Low-level” as described in KCSIE 2021 ie the staff member has acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police and the Local Authority designated team.

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.

2. “Low-level” concerns

The term “low-level” concern does not mean that it is not significant, it means that the behaviour towards a child does not meet the threshold set out in KCSIE 2021 paragraph 338. A low-level concern is any concern – no matter how small, and even if no more than a 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

- Is inconsistent with eh staff code of conduct, including inappropriate conduct outside of work: and
- Does not meet the allegation threshold or is otherwise not considered serious enough to consider a referral to the LADO

Example behaviours 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; or,
- using inappropriate sexualised, intimidating or offensive language

Staff should be encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards

The aim of this policy is to both empower staff to share low-level safeguarding concerns with the headteacher or designated safeguarding lead (or a deputy) and to effectively support the individual to address and correct unprofessional behaviour at an early stage. Thereby providing a responsive, sensitive and proportionate procedure for handling of such “low-level” concerns

Records must be maintained around “low-level” concerns so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and any wider cultural issues within the school that enabled the behaviour to occur can be addressed through additional training delivered to minimise the risk of it happening again.

3. Suspension

Suspension will not be the default position but will 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. *(See appendix 1 for flow chart of decisions and actions in the case of: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteer and Allegation in regard to Low level behaviours made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteer).*

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

4. Definition 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.

5. Procedures for dealing with allegations

- Review if the staff members conduct is inconsistent with the staff code of conduct including inappropriate conduct outside of work: or it is otherwise not considered serious enough to consider a referral to the LADO
- Identify the steps that need to be taken to address the unprofessional behaviour and support the individual to correct it at an early stage.
- Ensure that the low-level concerns are recorded in writing including
Name of individual reporting the concern (if the individual wishes to remain anonymous that this should be respected as far as reasonably possible)
Context in which the concern arose
Action taken
- Records must be kept confidentially and securely and comply with the Data Protection Act 2018.
- Reports about supply staff and contractors should be notified to their employer

5.5 Timescales

In the case of “low-level” concerns it is expected that any decision on steps needed to address and correct unprofessional behaviours will be communicated within one calendar week.

6. 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/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.

7. Record-keeping

7.1 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)

7.2 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.

7.3 Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

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

7.5 In the case of “low-level” concerns these will be recorded in writing. Records will be retained confidentially until the individual leaves the school. Reports about supply staff and contractors should be notified to their employer.

8. References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious or any specific or individual “low-level” concerns.

9. 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):

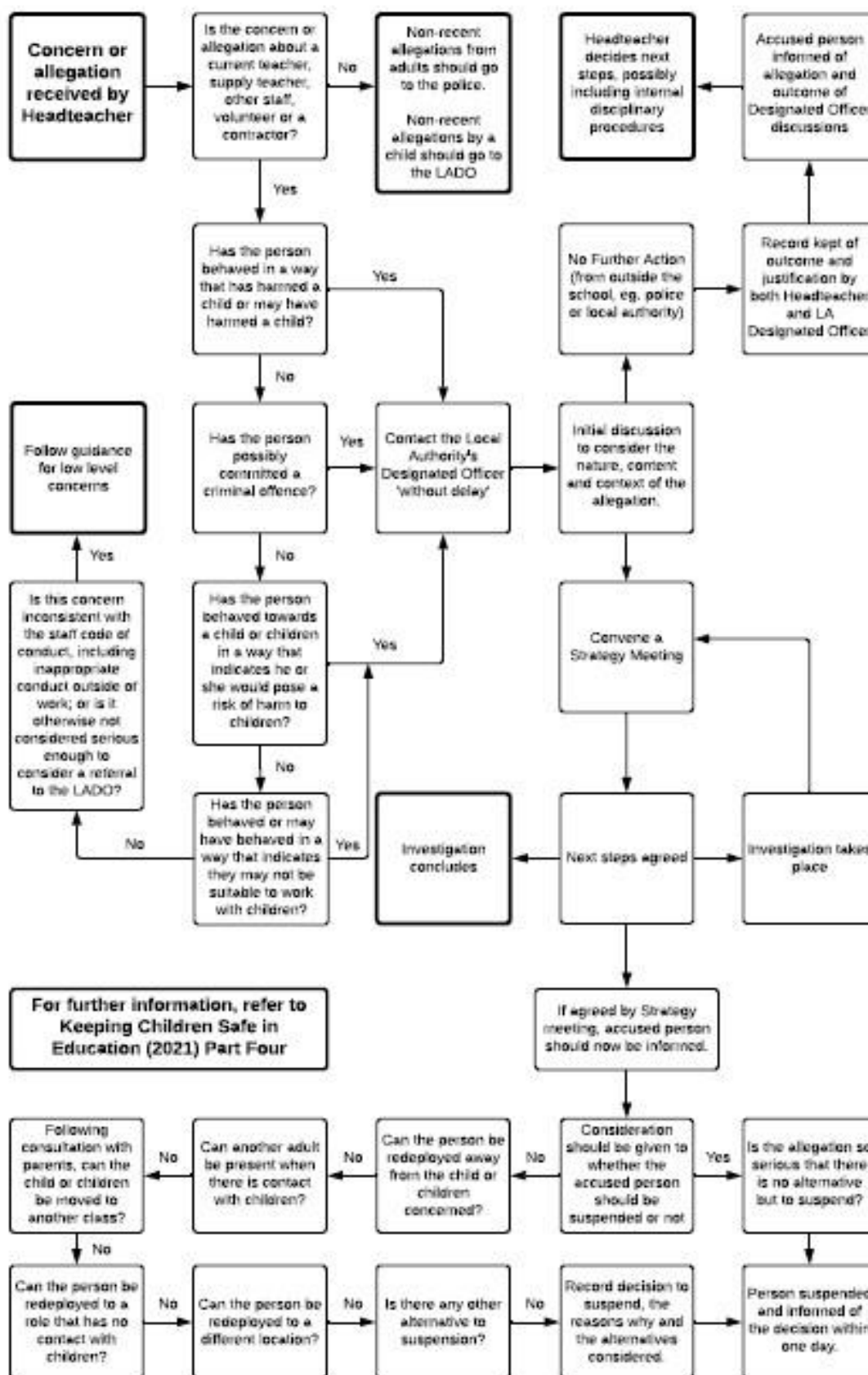
- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified

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).

10. Policy review

10.1 This policy will be monitored as part of the Academy’s annual internal review and reviewed as required by legislature changes.

Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers



Managing low level concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

