Bradshaw Primary School

Managing Allegations Policy & Procedures

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Name of Policy Writer	**Rebecca Turner**
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This policy and procedures document falls in line with 'Keeping Children Safe in Education 2023, and should be read alongside the school's Safeguarding Policy and Child Protection Procedures.

These procedures relate to members of staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place.

Managing allegations that may meet the harm threshold

This procedure is about managing allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

a. behaved in a way that has harmed a child, or may have harmed a child;

b. possibly committed a criminal offence against or related to a child; or

c. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or

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

We will apply the same principles as those contained in the Safeguarding Policy and Child Protection Procedures and follow the Calderdale Safeguarding Children Partnership Procedures. Detailed records will be made to include decisions, actions taken, and reasons for these. All records will be retained securely.

Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Whilst we acknowledge such allegations, (as all others), may be false, malicious or unsubstantiated, we also acknowledge they may be substantiated. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in our school/college is dealt with very quickly, in a 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.

Initial action to be taken:

- The person who has received an allegation or witnessed an event will immediately inform the head teacher and make a record.

- In the event that an allegation is made against the head teacher, the matter will be reported to the Chair of Governors who will proceed as the 'head teacher'.
- The head teacher will take steps, where necessary, to secure the immediate safety of children and any urgent medical needs, this may as a last resort involve suspension, however this decision should be reached following discussion with the school's HR provider. It is appreciated that it is important to consider whether suspension is necessary or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step.

- The head teacher may need to clarify any information regarding the allegation, however no person will be interviewed at this stage.

- The head teacher will inform the Chair of Governors of any allegation.

- The head teacher will seek advice from the Local Authority Designated Officer (LADO) in Calderdale, in order to agree a course of action and confirm whether if it is appropriate for the allegation to be dealt with by school or if there needs to be a referral to Multi-Agency Screening Team (MAST) and/or the police for investigation.

- If the school feel that the allegation does meet the criteria for LADO involvement then a LADO Referral form will be completed within 1 working day (as outlined in Working Together 2018)

- Parents or carers of a child or children involved will 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 head teacher will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents and carers will 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 Act 2002.

- Parents or carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

- If a child is a Child Looked After (CLA), the Social Worker for this child will be kept informed as would the parent or carer.

- The head teacher will inform the accused person about the allegation as soon as possible after consulting the LADO. It is understood that it is extremely important that they are provided with as much information as possible at that time. However, where an Allegations Management Strategy Meeting or discussion is needed, or police or children's social care services need to be

involved, the head teacher will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

- The head teacher will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college, or whether alternative arrangements can be put in place until the allegation or concern is resolved. This may occur at any stage in the investigation process. All options to avoid suspension will be considered prior to taking that step and advice will be sought from the school's HR provider

- In the event of an allegation being made against a supply teacher, whilst the school is not the employer of the teacher concerned, the school will ensure the allegation is dealt with properly by taking lead responsibility for securing the information required for a LADO referral. Under no circumstances will the school 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. The agency concerned will be invited to take a full part in the investigation process. The school will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst an investigation is carried out.

- The school understand that they have a duty of care to their employees. It will therefore act to manage and minimise the stress inherent in the allegations process and appreciates that support for the individual is vital to fulfilling this duty. Once informed of the nature of the concern(s) or allegation(s) the individual will be given an explanation of the likely course of action, unless there is an objection by children's social care or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.

- The head teacher will 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 will 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 will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

- Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the head teacher will consider how best to facilitate that. They will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school or college.
- If the criteria has been met for referral to the LADO the head teacher will attend any Allegations Management Strategy Meetings relevant to investigating the allegation through to a conclusion. If the allegation is about physical contact, the strategy meeting or initial evaluation with the police

should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

- If the school is aware that this member of staff or volunteer is engaged in any other employment or activity working with children, this information will also be shared with the LADO.
- The head teacher will keep the LADO informed of any new information that may influence the investigation and will cooperate fully with the police and/or social care where appropriate.
- If there is a police investigation it is understood that this has to take precedence over any other investigation.
- If there is no police investigation or following conclusion of a police investigation the school will complete a Management Investigation, and a Case Manager will be appointed (if this has not already happened previously)
- If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up.
- A referral to the DBS *must* be made, if the criteria are met and if the accused person resigns or their services cease to be used and the criteria are met the school appreciates that it will not be appropriate to reach a settlement/compromise agreement.
- Following an allegation, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached will be kept on the confidential personnel file of the accused, and a copy provided to the person concerned. This is to enable accurate information to be given in response to any future request for a reference, where appropriate. Ordinarily this record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer. Currently due to the Goddard Enquiry this information will be kept indefinitely until further guidance.
- If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, a joint decision with the LADO, the head teacher and their HR provider will be made as to whether the school or college make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.
- There is a legal requirement for employers to make a referral to the DBS where they think that 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.

Managing concerns that do not meet the harm threshold

School will ensure that 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.

We have created 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. The purpose being 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 institution.

The term 'low-level' concern does not mean that it is insignificant; it means that the behaviour towards a child does not meet the threshold or harm as detailed in the first paragraph of this policy

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

Concerning behaviour can exist across 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.

Ensuring they are dealt with effectively should also protect those working in or on behalf of the school from potential false allegations or misunderstandings.

School have incorporated guidance to staff on lower-level concerns through the staff code of conduct/behaviour policies and the School Safeguarding Policy and Child Protection procedures document.

Staff in school becoming aware of any low-level concern will confidentially share the concern directly with the headteacher/principal.

Sharing of lower-level concerns about a supply staff member, volunteer or contractor will be notified to their employers so any potential patterns of inappropriate behaviour can be identified.

Staff are encouraged 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.

All lower-level concerns will be recorded in writing. The record will 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.

All such records are confidential in nature and will be held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation 2018

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harm threshold, in which case it should be referred to the LADO.

When responding to a lower-level concern raised via a third party, the headteacher/principal will collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help to categorise the type of behaviour and determine what further action may need to be taken. Information obtained will be recorded along with the rationale for decisions and action taken.

The headteacher/principal may consult with the Designated Safeguarding Lead, however will ultimately make any final decision on how the concern will be responded to.

Where the headteacher/principal is in any doubt as to whether the concerns identified may meet the harm to a child threshold, they will seek the advice of the Calderdale LADO in the first instance.

(Appendix 1)

ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN

Please return to this referral to ladoadmin@calderdale.gov.uk

Calderdale Council is registered with the Information Commissioners Office (ICO) under the provisions of the Data Protection Act 2018. The Council takes its responsibilities under the Act very seriously.

The information provided by you is collected in order to investigate a LADO referral. We need to collect this information in order to maintain accurate records of the referral and any subsequent investigation process. Completion of this form/sharing your information with us constitutes explicit consent from you for us to process your data for this purpose. Processing is necessary to protect the vital interests of a data subject or another person. Your information may be shared with other professionals and agencies in accordance with the allegation management process.

Unless the information is required by law, you may withdraw this consent at any time by writing to me at the e mail address above. In addition you have the right to see what information is held about you, to have inaccurate information corrected, to have information removed from our system unless we are required by law or a statutory purpose to keep it and the right to complain to the Data Protection Officer if you feel that your data has not been handled in accordance with the law.

Your information will be recorded on our system to maintain up to date records. If the referral meets the LADO criteria of harm ,this information will be kept for a minimum of 40 years from the date of closure of the referral or until such time as the data is reviewed by us.

The Data Protection Officer, Tracie Robinson, can be contacted at information.management@calderdale.gov.uk

Referrer details

Date of Referral:
Name of Referrer:
Agency of Referrer:
Contact details of Referrer:

Alleged perpetrator

Name of Alleged Perpetrator:

Date of Birth:
Home Address:

Employing Organisation/Individual and Contact Details:
Position within the Organisation (perpetrator):

Are you aware if this person also works/volunteers for any other organisations? – Y/N

If yes – please provide details:

Children of alleged perpetrator

Do you know if the person above has children of their own under 18 years old? – Y/N

If yes – please provide details:

Name:
Date of birth:
Home address:

Alleged victim (if applicable):
Name of Child/Adult:
Date of Birth:
Address (where living):

Person with Parental Responsibility (include social worker's details):
Legal status:

Reason for referral:

Action taken by referrer to date:

Involvement of other agencies:

Are you aware of any other agencies involved as a result of this allegation? – Y/N

If yes – please provide details: