



# Dealing with Allegations of Abuse and Concerns Against Staff and Others

**Version 1.0**

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|----------------------------------|------------------------|
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| Responsible committee/Individual | Trust Board            |
| Author                           | HR Manager             |
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## **1.0 Policy statement:**

1.1 The Brighter Futures Learning Partnership Trust is committed to ensuring every young person in our care is safe. It is our duty to first and foremost safeguard and promote the welfare of children; this includes anyone under the age of 18. Safeguarding and promoting the welfare of children is everyone's responsibility.

1.2 The Trust promotes a culture in which staff are clear about the behaviour expected of themselves and colleagues; concerns or allegations about all adults working in or on behalf of the Trust are addressed fairly and consistently. Any report must be dealt with quickly and in a way that effectively protects the child, and at the same time, supports the person who is subject to the concern or allegation. It is important that staff, students and parents/carers are able to raise concerns, are listened to and taken seriously.

## **2.0 Scope and purpose:**

2.1 The policy covers all individuals at all levels and grades in the trust, including governors, Headteachers/Principals, senior leadership, all teachers and associate staff, consultants, contractors, supply staff, volunteers, casual workers and agency staff (collectively referred to as employees in this policy).

2.2 The policy sets out how the Trust or School/UTC will manage allegations and low-level concerns raised in relation to any employee and the guidance that we follow. It meets the requirement of statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education to ensure we are protecting our children from abuse, potential abuse or harm.

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

- Safeguarding Policy
- Complaints Procedure
- Disciplinary Policy and Procedure
- Code of Conduct for Working with Children
- Recruitment and Selection Policy

2.4 It is informed by the following documents issued by the Department for Education:

- Keeping Children Safe in Education 2023
- Working Together to Safeguard Children 2023

## **3.0 Allegations made in the Trust:**

3.1 Where an allegation is made against any person working in or on behalf of the Trust, that he or she has:

- Behaved in a way that has harmed a child or may have harmed a child.

- Possibly committed a criminal offence against or related to a child.
- Has behaved towards a child or children in a way that indicated s/he is unsuitable to work with children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children. E.g., a member of staff involved in domestic violence at home. E.g., A member of staff involved in an incident outside of school which did not involve children but could have an impact to their suitability to work with children.

Detailed records will be made to include decisions, action taken and the reasons for these. All records will be retained securely as mentioned at **point 8** below.

3.2 If an allegation of abuse is made against the Headteacher/Principal, the Chief Executive Officer (CEO) will act as the 'case manager' with support from the Central HR Team.

**3.3** On receipt of an allegation, it should be reported to the school/UTC Designated Safeguarding Lead (DSL) or if it concerns the CEO, the Chair of the Trust. The incident must also be reported directly to the Central HR Manager and the Local Authority designated officer (LADO) for child protection issues.

**3.4** All safeguarding incidents involving members of Staff should be reported into the Trust immediately.

- The incident will be reported to the LADO at the earliest opportunity, at the latest within one working day.

#### **4.0 Multi-agency involvement:**

4.1 The LADO will discuss the matter with the CEO if the allegation is made against the Headteacher/Principal. If the allegation is made against a member of staff the Headteacher/Principal will contact the CEO/Central HR Team and the LADO.

4.2 Initial discussions with the LADO should take place in advance of an employee being informed of an allegation, in order for agreement to be reached on what information can be disclosed to the individual. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

4.3 If the allegation appears to be with some foundation, discussions will take place which determine whether there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, and appropriately refer the matter to children's social care and ask for a 'strategy meeting' to be convened straightaway.

4.4 If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed.

4.5 Even in the case where an allegation appears to be less serious, it is important that the LADO is informed. An allegation may be considered so serious that there will be immediate referral to children's social care and/or the police. (See point 16.1 for low-level concerns).

## 5.0 Strategy Meetings:

5.1 The strategy meeting will include, as appropriate, children's social care and/or the police. The strategy meeting will also normally involve the LADO, a senior member of Central Trust HR or CEO, a representative of the school/UTC and any other agencies involved with the child.

5.2 The purpose of the strategy meeting will be to evaluate the allegation and decide how it should be dealt with. Available information about the allegation, the child and the person against whom the allegation has been made, will be shared to consider whether a children's social care/police investigation is needed and, if so, agree the timing and conduct of that.

5.3 Strategy meeting discussions will also inform the consideration of any recommendation for a disciplinary suspension. The Headteacher/Principal, and or CEO through consultation with the Central HR Team, will make a decision whether or not the member of staff should continue to work with children during any investigation (see the trust disciplinary policy and procedure). In making a decision they should be mindful of the need to safeguard and protect children's welfare whilst also providing effective support and protection to the individual subject to the allegation.

Suspension will be considered in any case where:

- there is cause to suspect a child is at risk of harm
- the allegation warrants investigation by the police or is so serious that grounds for dismissal are being considered.

Suspension will not be automatic; the Headteacher/Principal and or CEO will carefully consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. Although not a disciplinary sanction, suspension should always be a carefully considered decision rather than an automatic response. The CEO, Chair of Trustees and Governors will be notified of the suspension immediately. Any decision to suspend will be discussed and agreed by the CEO. **Any reinstatements must be discussed with Central HR.**

5.4 In circumstances where the parents/carers of the child are not aware of the allegation, the strategy discussion will decide how and by whom they should be informed.

5.5 In cases where a police investigation is necessary, discussions will also consider whether there are matters that can be taken forward in accordance with the disciplinary procedure, in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of police enquiries and/or prosecution.

## 6.0 Action following initial consideration:

6.1 Where initial evaluation or the strategy meeting indicates an allegation does not appear to warrant police investigation or enquiries by children's social care, but professional misconduct may still have occurred the initial joint evaluation will also consider whether the allegation is more appropriately dealt with through the formal disciplinary procedure.

6.2 Where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher/Principal and or CEO should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LADO should continue to liaise with the Trust or school/UTC to monitor progress of the case and provide advice/support when required/requested

6.3 If the nature of the allegation does not require formal disciplinary action, appropriate action should be implemented without delay. If a disciplinary hearing is required, the employee is entitled to receive written notification of the arrangements for the hearing **no later than 10 working days before the hearing**, together with copies of documents to be referred to at the hearing. All correspondence should be forwarded to the employee **via recorded delivery, or hand delivered**. Within 3 working days of the hearing, the employee should submit to the investigating officer any other documents to which they intend to refer.

6.4 The LADO will continue to liaise with the Trust or school/UTC to provide support and guidance as necessary. Any relevant information obtained in the course of enquiries by children's social care, or the police will be made available where possible, to assist disciplinary action.

## 7.0 Supply teachers and volunteers:

7.1 Whilst we are not the employer of supply teachers, we will ensure that any allegation against a supply teacher working within our Trust is dealt with properly and in line with guidance. We would follow the same process in liaising with the LADO as well as informing the agency. We will discuss the appropriate action for the agency and the school/UTC to take.

7.2 Depending on the situation, this may be suspension of services whilst an investigation ensues, or redeployment if this is considered safe. In this case, we will take the lead in working with all appropriate agencies and also carrying out the investigation. All agencies should be informed of our process for managing allegations before they supply any temporary members of staff, and supply staff must be trained on our policies and procedures before entering the classroom.

7.3 Although not in employment from an agency, we would also deal with any allegation against a volunteer in the same way in terms of investigation and involvement with external

agencies, and trust policies and procedures in consultation with the Local Safeguarding Board.

### **8.0 Record keeping:**

8.1 It is important that a clear and comprehensive summary of any allegations made is retained in the member of staff's confidential personnel file. This summary should include:

- details of how the allegations were followed up and resolved
- a note of any action taken
- decisions reached including whether information will be referred to in any future reference

8.2 A copy should be provided to the member of staff concerned. The summary should be retained, at least, until the member of staff has reached normal retirement age (or for a period of 10 years from the date of the allegation if that is longer)

### **9.0 Supporting those involved:**

#### **Supporting the Child and Partnership with Parents/Carers**

- The Trust recognises that the child's welfare is paramount, however, good child protection practice and outcomes rely on a positive, open, and honest working partnership with parents/carers.
- Whilst we may, on occasion, need to make referrals without consultation with parents/carers, we will make every effort to maintain a positive working relationship with them whilst fulfilling our duties to protect any child.
- We will provide secure, caring, supportive and protective relationships for the child.
- Children will be given a proper explanation (appropriate to age and understanding) of what action is being taken on their behalf and why.
- We will endeavour always to preserve the privacy, dignity and right to confidentiality of the child and parents/carers. The Designated Safeguarding Lead will determine which members of staff 'need to know' personal information and what they 'need to know' for the purpose of supporting and protecting the child.
- The DSL may decide to refer the child to the school Counsellor if it is deemed appropriate.
- A confidential email address for parents or students has been set up to promote online support and to facilitate disclosures.

9.2 The Trust should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the police or children's social care are involved, the Headteacher/Principal will not do this until advised not to do so by these agencies, also in consultation with the Central HR Team.

9.3 Any child/children making an allegation against a member of staff will be offered a 'support person' from within the school/UTC who is impartial to the formal proceedings. Where the allegations are unfounded, the school/UTC will not necessarily take the view that

the allegations were false. Behaviour may have been misinterpreted. In this case, the LADO should refer the matter to children's social care to determine whether or not the child concerned is in need of support from external services or may have been abused by others. The school/UTC will continue to provide support to the child/children in these circumstances.

9.4 Any member of staff facing an allegation will be offered a 'support person' who is impartial to the investigation and, where appropriate, other support such as a referral to occupational health/external trust counselling service. The support person will keep the employee informed of progress of the case and other related matters but **will not discuss the details of the case.**

### 10.0 Confidentiality:

10.1 Every effort must be made to guard confidentiality and to protect against any undue publicity.

### 11.0 The outcome of allegations:

11.1 The outcome of an investigation falls under five categories:

- Substantiated: there is sufficient evidence to prove the allegation on the balance of Probabilities.
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject to the allegation.
- False: there is sufficient evidence to disprove the allegation.
- Unsubstantiated: there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

### 12.0 Resignations and 'settlement agreements'

12.1 Allegations must be investigated even in situations where an employee tenders their resignation or ceases to provide services. The individual will be given the opportunity to engage with the investigation. A 'settlement agreement' will not be used in the case of allegations. If the investigation finds that the allegation is substantiated this will be noted in all references and in some cases may be reportable to the DBS.

### 13.0 Urgent child protection concerns/case subject to police investigation

13.1 If you are worried about a child that might be at immediate risk of harm or if the situation is an emergency do not wait to contact the LADO and contact either Children's Services and/or the Police straight away.

The LADO can then be contacted after the child is safe.



- If there are concerns that a child has experienced or is at risk of suffering significant harm, the designated safeguarding lead will consult with Doncaster Children's Services Trust (DCST) on 01302 737777.
- If out of hours, the emergency Doncaster Children's Trust Social Care out of Hours team (ESST) 01302 796000 (after 5.00pm and before 8.30 am weekdays and weekends).

Police: Phone **101** or in an emergency **999**.

13.2 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.

13.3 A target date for the case review will be set. The review will include the progress of the investigation in consultation with the Crown Prosecution Service (CPS). If the police and / or CPS decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should, wherever possible, aim to pass all information they have, which may be relevant to a disciplinary case, to the Trust. In those cases, the Trust and the LADO should decide how to proceed.

13.4 If the nature of the allegation does not require formal disciplinary action, the Headteacher/Principal or CEO will write to the employee to confirm the outcome; **advice must be sought from the Central HR Team**.

13.5 If it is felt that formal disciplinary action is a possibility, the trust disciplinary policy and procedure will be followed.

13.6 Any case in which children's social care have undertaken enquiries, which are relevant to a disciplinary case, these should also be passed to the school/UTC and Trust.

13.7 If the person is convicted of an offence, the police must inform the school/UTC Trust straight away so that appropriate action can be taken.

#### **14.0 Referral to DBS (Disclosures & Barring Service /TRA (Regulation Agency)**

14.1 There is a legal requirement for the Trust to make a referral to the DBS where we 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 or harm to the child. If, upon conclusion of the case, the Trust ceases to use the person's services or the person ceases to provide his/her services, the School/UTC should consult the LADO regarding whether a referral is required. If so, it should be made within **1 month**. Additionally, a decision should be made with regards to a Teacher Regulation Agency referral.

## 15.0 Dealing with false or malicious allegations:

15.1 Where there is clear evidence that an allegation was deliberately invented or malicious, and the allegation has been made by a child, member of staff or volunteer then the Headteacher/Principal or CEO will consider whether any disciplinary action is appropriate.

15.2 Advice should be sought from the police regarding whether any action might be appropriate against the person responsible if he/she was not a pupil/student.

15.3 If it is a pupil/student making the allegation then, the DSL should consider whether the child concerned is in need and should be referred to children's social care as they may have been abused by someone else.

## 16.0 Recognising low-level concerns:

### What is a low-level concern?

16.1 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 set out at 3.1. 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/UTC 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.

16.2 Examples of such behaviour could include, but is 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
- using inappropriate sexualised, intimidating or offensive language

Such behaviour 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.

## 17.0 Sharing low-level concerns:

17.1 It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings. For our culture of openness and trust to prevail, all staff should share any low-level concerns

they have. Serious case reviews and safeguarding practice reviews have often evidenced how low-level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be studied for patterns of behaviour.

17.3 All low-level concerns should be reported to the Headteacher/Principal. Concerns about the Headteacher/Principal should be reported to the CEO and concerns about the CEO will be reported to the Chair of the Trust Board. The procedure for reporting is consistent with that for reporting allegations outlined in section 3 of this policy. Staff do not need to determine whether their concern meets the threshold set out in section 3 or if it is a low-level concern. This will be determined by the Headteacher/Principal, CEO or Chair of the Trust Board as appropriate once the issue is reported.

### **18.0 Responding to low-level concerns:**

18.1 The Headteacher/Principal, CEO or Chair of the Trust Board as appropriate, will review the concern to confirm that it is not a more serious issue that should be dealt with as an allegation. An issue reported as a low-level concern would be dealt with as an allegation where it meets the threshold set out in section 3 or there is a pattern of low-level concerns expressed about the individual or wider staff practices generally. The Central HR Team must be informed and if necessary, the concern will be discussed with the LADO to determine whether it should be dealt with as an allegation.

18.2 The Headteacher/Principal, CEO or Chair of the Trust Board will discuss the concern with the individual who raised it and will arrange for the concern to be investigated appropriately. If the concern has been raised via a third party, evidence will be collected by speaking directly to the person who raised the concern, the individual involved and any witnesses (unless it has been raised anonymously).

18.3 Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the Trust disciplinary policy and procedure.

18.4 Where a low-level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so that they can take appropriate steps in accordance with their own policies and statutory guidance.

### **19.0 Recording low-level concerns:**

19.1 All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

19.2 Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the Headteacher/Principal in consultation with the Central HR Team will decide on an appropriate course of action and will refer the matter to the LADO where the behaviour moves from a concern to meeting the threshold for an allegation set out in section 3 of this policy.

19.3 The record of the low-level concern will be kept at least until the person leaves the Trust.

## 20.0 References:

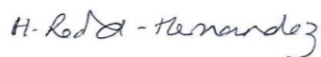
20.1 Low-level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to.

## 21.0 Review:

21.1 This policy should be reviewed at least every year, or sooner should there be a significant change in best practice, advice or regulation. Following review, it should be submitted to our Trust Board for approval.

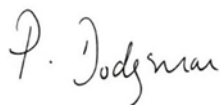
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Signed CEO of BFLPT – Helen-Redford-Hernandez:



Date: April 2024

Signed – Chair of BFLPT – Pippa Dodgshon



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