



Walthamstow School For Girls

"Neglect not the gift that is in thee"

Policy Document

Allegations against staff (including low-level concerns) Policy

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Appendix to Safeguarding Policy

This document is based on 'Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education.

1. ALLEGATIONS THAT MAY MEET THE HARMS THRESHOLD

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/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 both inside and outside of school

If we are in any doubt as to whether a concern meets the harm threshold, we will consult our Local Authority LADO (LADO).

We will deal with any allegation of abuse quickly, 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 Headteacher, or the Chair of Governors where the Headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

2. SUSPENSION OF THE ACCUSED UNTIL THE CASE IS RESOLVED

Suspension of the accused 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 there 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 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
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Local Authority.

If in doubt, the case manager will seek views from the school's HR Manager and the LADO, as well as the police and Children's Social Care where they have been involved.

3. 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.

4. PROCEDURE FOR DEALING WITH ALLEGATIONS

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
- Discuss the allegation with the 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 LADO – 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 LADO 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 LADO (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 LADO, police and/or Children's Social Care services, 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 LADO. 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 LADO 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 LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

5. SUPPORT FOR STAFF

Where an employee is the subject of an allegation, the school recognises that in most circumstances this will be a time of stress and anxiety. Employees are advised to seek support from their Trade Union representative or an appropriate colleague. If the employee feels it is beneficial, a referral to the school's Occupational Health provider and/or counselling service will be arranged.

The employee will be kept informed of the likely course of action as the case progresses unless there is an objection by the Local Authority, Child Social Care services or the police.

The school will 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. They will also be advised to consult the school's HR Manager so that the entire process and potential timeline is clear.

6. INFORMING PARENTS

The school will 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 teachers (where this applies) while investigations are ongoing. 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 school will keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).

7. REFERRALS TO OTHER AGENCIES

The school will 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 school 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.

8. ADDITIONAL CONSIDERATIONS FOR SUPPLY TEACHERS & ALL CONTRACTED STAFF

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

9. TIMESCALES

We will deal with all allegations as quickly and effectively as possible and 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 should be resolved within 1 week.
- Any other cases should follow the time frame outlined in our Disciplinary Policy of 10-20 working days.
- However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

10. SPECIFIC ACTIONS

Action following a criminal investigation or prosecution

The case manager will discuss with the LADO 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 will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school will consider 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, working in collaboration with the member of staff and, where appropriate, their link person on the staff or Trade Union representative.

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, working in collaboration with the member of staff and, where appropriate, their link person on the staff or their Trade Union representative.

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.

11. 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 LADO, 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.

12. 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.

13. 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

14. LEARNING LESSONS

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

15. NON-RECENT ALLEGATIONS

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

We 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.

16. CONCERNS THAT DO NOT MEET THE HARM THRESHOLD

This 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
- Safeguarding concern or allegation from another member of staff
- 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.

17. 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 LADO 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
- humiliating pupils

18. SHARING LOW-LEVEL CONCERNS

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially 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 as per section 7.7 of this policy
- 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
- identifying and addressing staff training needs related to safeguarding
- ensuring that all staff receive regular and updated training about what constitutes a low-level concern, how to raise a low level concern and why this is important

19. RESPONDING TO LOW-LEVEL CONCERNS

If the concern is raised via a third party, the Headteacher 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 Headteacher 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. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

We also follow the following procedures:

- Details of the concern are logged on a proforma and given to the Headteacher
- The Headteacher decides if it is a low-level concern and either investigates or delegates to SLT/ DSL to investigate further
- Any action taken is recorded on a central log
- The employee is advised of the outcome and any relevant action or required training is implemented
- The information is retained at least until the employee leaves the school's employment
- The Low-level Concern Log is reviewed regularly by the HR Manager to identify any patterns.

20. 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 I of this appendix, we will refer it to the LADO at the Local Authority.
- 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.

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

- The concern (or group of concerns) has met the threshold for referral to the LADO 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.

APPENDIX A

Template letter to member of staff where an allegation has been made.

Private and Confidential

Name and Address

Date

Dear

Notification of disciplinary investigation meeting

The purpose of this letter is to notify you that you are required to attend an investigation meeting on **(date of meeting)** at **(time)** in room **(location)**. This meeting has been arranged because we are in the process of investigating **allegations relating to your conduct** or **(allegations that have been made by a student / in a parental complaint relating to your conduct in the school)**. The alleged misconduct includes;

- **Bullet point details of misconduct**

As the investigation progresses these allegations may change as appropriate in light of the investigation.

Specifically, if proven the allegations fall within the following examples of **Gross Misconduct / Misconduct** taken from the school's Disciplinary Policy:

- Bullet point examples referring to the school's disciplinary policy

Please note that the meeting is entirely a fact-finding exercise and it does not constitute disciplinary action. As such, you do not have a right to be accompanied at this stage. However, if your Trade Union representative or work colleague is available you may choose to bring them to the meeting to support you. If, once our investigation has concluded, we wish to proceed with formal disciplinary proceedings against you, you will be invited to attend a disciplinary hearing at a later date.

I have appointed **(name of Investigating Officer)** as the Investigating Officer and **he/she** will chair the investigation meeting and there will also be a note taker present to take a record of the meeting. Please bring with you any information that might be of assistance to the investigation. You will be provided with a copy of the record of the meeting to review and sign.

Please ensure that you keep this matter confidential and do not discuss this matter with colleagues, save your accompanying representative or work colleague (if applicable). Any breach of confidentiality in relation to this matter may in itself lead to disciplinary action.

A copy of the disciplinary policy is enclosed for your information.

If, for any unavoidable reason, you or your companion cannot attend at that time please contact me as soon as possible. If you have any specific needs at the meeting because of a disability please speak to me as soon as possible.

Once we have completed our investigation, we will inform you of the outcome.

Yours sincerely

Helen Marriott
Headteacher