

Protocols for managing allegations against/concerns raised in relation to teachers, including supply teachers, other staff, volunteers, and contractors

Updated: September 2021

Next review: September 2022

## Introduction

These protocols follow the statutory guidelines for dealing with allegations of abuse made against a person who works with children, as set out in Part 4, Keeping children safe in education, September 2021.

This should be read in conjunction with St Clare's Primary School Safeguarding and Child Protection policy, Appendix 3.

## Section 1: allegations that may meet the harms threshold

The guidance should be followed where it is alleged that any 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;
- possibly committed a criminal offence against or related to a child;
- 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. \*

The protocols apply 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. 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.

The school will deal with any allegation of abuse against a member of staff, supply teacher 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 in line with the guiding principles of statutory guidance.

The school, together with children's social care and/or police, where they are involved, will consider the impact on the child concerned and provide support as appropriate. This will be done in liaison between the agencies in order to ensure that the child's needs are addressed.

\* This addition, first included in KCSiE 2020, refers to transferable risk: where a member of staff or volunteer is involved in an incident outside of school *which did not involve children* but could have an impact on their *suitability to work with children*. For example, a member of staff is involved in domestic violence at home, and no children were involved. Following the guidance, St Clare’s will consider what triggered these actions and whether a child in school could trigger the same reaction, thereby being put at risk.

Action Staff members must take if they are concerned or receive an allegation that a member of staff, supply teacher or volunteer poses a risk of harm to children.

- The staff member must report the concern or allegation in writing (signed and dated) to the Headteacher.
- If the concern/allegation is about the Headteacher, the staff member must report this in writing to the Chief Executive Officer (CEO) of St Thomas Aquinas Catholic Multi-Academy Trust: Neil Lockyer, [nlockyer@aquinas-cmat.org](mailto:nlockyer@aquinas-cmat.org)
- The Headteacher/CEO will then follow the procedures set out below, as appropriate.

#### Glossary of terms and definitions for outcomes of allegation investigations

| Term                   | Definition   |
|------------------------|--|
| LADO                   | Local Authority Designated officer, known also as Allegations Manager or Designated Officer                        |
| Case Manager           | The person leading the investigation, e.g. The Headteacher, DSL or CEO   |
| Substantiated          | There is sufficient evidence to prove the allegation.  |
| Staff/members of staff | All paid or unpaid staff/professionals, supply staff and volunteers  |
| 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              | There is no evidence or proper basis which supports the allegation being made.                                     |

#### Procedure for dealing with allegations

In the event of an allegation that meets the ‘harm’ criteria (page 1), the case manager (the Headteacher, DSL, or where the Headteacher is the subject of the allegation, the CEO of the CMAT) will take the following steps:

- Immediately discuss the allegation with the Local Authority Designated Officer (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.

#### LADO Contact Details

Leicester City Council LADO: Jude Atkinson. Tel: 0116 454 2440 or 07736461970

Email: [Lado-allegations-referrals@leicester.gov.uk](mailto:Lado-allegations-referrals@leicester.gov.uk)

Leicestershire County Council Allegations Manager/LADO: Kim Taylor. Tel: 0116 305 7597

Email: [CFS-LADO@leics.gov.uk](mailto:CFS-LADO@leics.gov.uk)

#### Suspension

Suspension should not be an automatic response when an allegation is reported, 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, St Clare’s 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 encounter the individual, making it clear that this is not a punishment and parents have been consulted; and
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Academy Trust.

Where appropriate (in the circumstances described above), the school will 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.

If immediate suspension is considered necessary, the case manager will agree and record the rationale for this with the LADO. Information about the alternatives to suspension that have been considered, and why they were rejected will be included in the record. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within one 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, details of all action taken and the justification for this decision will be recorded. The case manager will 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, the case manager will 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.

In line with our duty of care towards our employees, St Clare's will provide effective support for the staff member 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 employee will be advised to contact their trade union representative (if they have one) or a colleague for support. They will also be given access to welfare counselling via the employee assistance programme, MyMedicash, available by opening the MyMedicash App, logging on to Medicash.org or calling 0345 565 1851. 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.

The case manager 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). They will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers while investigations are ongoing. Any parent or carer who wishes to apply to the court to have the confidentiality restrictions removed will be advised to seek legal advice.

The case manager will keep the parents or carers of the child/children involved informed of the progress of the case. The case manager will be able to confirm whether the case has moved into the school's internal investigative procedures and will be able to confirm whether it has been referred to appropriate external bodies. Neither the school nor the Multi-Academy Trust will comment publicly on the outcome of any internal disciplinary process.

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 Multi-Academy Trust 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.

#### Timescales

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|---|-----------------------|
| 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, the school will instigate appropriate action... | within 3 working days |

|   |                        |
|---|------------------------|
| If a disciplinary hearing is required and can be held without further investigation, the school will hold this... | within 15 working days |
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The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. It is expected that 80% of cases should be resolved within one month, 90% within 3 months and all but the most exceptional cases should be completed within 12 months.

Additional considerations for supply teachers and all contracted staff:

Whilst schools are not the employer of supply teachers or contractors, where there is an allegation about a supply teacher or contractor, St Clare’s will ensure allegations are dealt with properly. In no circumstances will the school decide to cease to use an individual due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

St Clare’s will involve the agency fully but will usually take the lead in any investigation as agencies have no direct access to children or other school staff so will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

The case manager will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, whilst they carry out their investigation. The individual will be advised to contact their trade union representative if they have one, or a colleague for support.

Issues such as information sharing will be addressed at the allegations meeting set up by the LADO, to ensure that any previous concerns or allegations known to the agency are taken into account during the investigation.

When using an agency, St Clare’s will inform them of the school’s process for managing allegations. This will include inviting the agency’s HR manager to meetings and keeping them up to date with information about policies.

### Governors

If an allegation is made against a governor, St Clare’s will follow these protocols. Where an allegation is substantiated, the school will follow the procedures to consider removing them from office.

### Specific actions

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.

Where the conclusion of the case is that 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 case manager and the school's HR adviser will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. 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.

St Clare's will follow the legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that has harmed (or is likely to harm) a child; or poses a risk to a child.

If it is decided on the conclusion of the case that the individual who has been suspended can return to work, the case manager will consider how best to facilitate this. 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.

If an allegation is shown to be deliberately invented, or malicious and therefore unsubstantiated, the Headteacher, or the CEO of the CMAT in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil. The case worker will discuss with the LADO if they should refer the matter to children's social care in case the child who made the allegation may be in need of their services.

### Confidentiality

St Clare's 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; and
- How to manage press interest if, and when, it arises.

### 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. 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.

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.

The records of any allegation that is found to be malicious will be deleted from the individual's personal file.

Where records contain information about allegations of sexual abuse, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.

The school 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.

## References

When providing employer references, the school will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## Learning lessons

After any cases where the allegations are *substantiated*, St Clare's will review the circumstances of the case with the LADO to determine whether there are any improvements that can be made 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; and
- The use of suspension when the individual is subsequently reinstated. The school will consider how future investigations of a similar nature could be carried out without suspending the individual.

## Section 2: concerns that do not meet the harm threshold

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. Although termed as 'low level' concerns, this does not mean that they are insignificant.

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, and even if it simply causes 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 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

### 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 to the Headteacher
- 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 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.

### 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 above, we will refer it to the designated officer 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.

## 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