



**Policy for dealing with Allegations made  
against/concerns raised in relation to teachers,  
including supply teachers, other staff, volunteers  
and contractors.**

**This Policy and should be read in conjunction with the Trust's Safeguarding/Child Protection Policy**

## **Process for dealing with Allegations made/Concerns raised in relation to Teachers, including Supply Teachers, other Staff, Volunteers and Contractors**

Any allegations/concerns raised must be dealt with in accordance with the procedures laid out in this policy and **Part four of Keeping Children Safe in Education September 2021 (KCSIE)**. Reference should also be made to the Trust's Safeguarding/Child Protection Policy (*Safeguarding Policy*), as appropriate.

**Part four of KCSIE** provides for two levels of allegation/concern:

- Allegations that **may meet** the harms threshold
- Allegations that **do not meet** the harms threshold – referred to in *KCSIE* as 'low level concerns'

### **1. Allegations that may meet the harms threshold**

The principles and procedures set out in **Part four of KCSIE** and below should always be followed where it is alleged that anyone working in the Academy, including supply teachers, volunteers and contractors 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 he or she 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.**

The last bullet point above includes behaviour that may have happened outside of the Academy, that might make an individual unsuitable to work with children, this is known as transferable risk.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt advice should be sought from the local authority designated officer (LADO).

All allegations should be reported as stated below and this should be done without delay.

A "case manager" will lead any investigation. This will be either the headteacher, or, where the headteacher is the subject of an allegation, the chair of governors.

### **The initial response to an allegation**

Where the Academy identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should

contact children's social care and as appropriate the police **immediately** as per the processes explained in the *Safeguarding Policy*.

There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** – the DSL is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as described in the *Safeguarding Policy*.
- **Investigating and supporting the person subject to the allegation** – the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, the Academy should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

Academies should also ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made.

#### **A. Individual Staff/Volunteers/Other Adults who receive the allegation/concern**

1. Write a dated and timed note of what has been disclosed or noticed, said or done.
2. Report immediately to the Headteacher.
3. Pass on a written record to the Headteacher.
4. If the allegation concerns the conduct of the Headteacher, report immediately to the Chair of Governors. Pass on the written record. (If there is difficulty reporting to the Chair of Governors, contact the local authority Designated Officer (LADO) as soon as possible or, if unavailable, contact the MASH on the same day.)

#### **B. Headteacher**

1. If there is no written record, write a dated and timed note of what has been disclosed or noticed, said or done.
2. Before taking further action notify and seek advice from the LADO or, if unavailable, the MASH on the same day. However, before contacting the LADO, the Headteacher should conduct basic enquiries in line with local

procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the Academy at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses? and
- was there any CCTV footage?

These are just a sample of example questions. The Headteacher should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service (*NSCP procedures – Section 5*).

The Headteacher may be asked to clarify details or the circumstances of the allegation, but this must not amount to an investigation.

3. Report to the MASH (and Ofsted) if the LADO so advises or if circumstances require a referral.
4. When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.
5. Follow all procedures, as applicable, laid out in ***Part four of KCSIE***.

**C. Chair of Governors (only relevant in the case of an allegation against the Headteacher)**

1. If there is no written record, write a dated and timed note of what has been disclosed or noticed, said or done.
2. Before taking further action notify and seek advice from the LADO or, if unavailable, the MASH on the same day. However, before contacting the LADO, the Chair should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:
  - was the individual in the Academy at the time of the allegations?
  - did the individual, or could they have, come into contact with the child?
  - are there any witnesses? and
  - was there any CCTV footage?

These are just a sample of example questions. The Chair should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service (*NSCP procedures – Section 5*).

The Chair may be asked to clarify details or the circumstances of the allegation, but this must not amount to an investigation.

3. Report to the MASH (and Ofsted) if the LADO so advises or if circumstances require a referral.
4. When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.
5. Follow all procedures, as applicable, laid out in ***Part four of KCSIE***.

### **Record Keeping**

Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised in ***KCSIE***;
- a copy provided to the person concerned, where agreed by children's social care or the police; and
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

Academies have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records 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. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention. This can be found on the ICO website.

### **Referral to the DBS and TRA**

There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been had they not resigned.

**This is a legal duty and failure to refer when the criteria are met is a criminal offence.** More detail can be found in *KCSIE*.

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State (via the Teaching Regulation Agency). Details about how to make a referral to the Teaching Regulation Agency can be found on GOV.UK.

## **2. Concerns that do not meet the harm threshold**

Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is important that the Academy has appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard pupils.

### **Low level concerns**

As part of their whole Academy approach to safeguarding, the Academy should ensure that:

- they create and embed a culture of openness, trust and transparency in which the Academy's values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff;
- they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the Academy (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately;
- they create a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see above and **Part four of KCSIE** ))

are shared responsibly and with the right person, recorded and dealt with appropriately.

If implemented correctly, this should encourage an open and transparent culture; enable the Academy to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the Academy are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the Academy.

### ***What is a low level concern?***

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 above. 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 Academy 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.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- using inappropriate sexualised, intimidating or offensive language.

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.

It is crucial that any such concerns, including those which do not meet the harm threshold (see above and ***Part four of KCSIE***), 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 the Academy from potential false allegations or misunderstandings.

### ***Sharing (reporting) low-level concerns***

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported as per *paragraphs A-C above*. Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

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

### ***Recording low-level concerns***

All low-level concerns should be recorded in writing. The record should 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.

The Academy can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (*see paragraph 4.8* for more information).

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Academy should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the Academy that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

Such information should be retained at least until the individual leaves the Academy's employment.

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

The Headteacher should deal with low-level concerns unless the concern is about the Headteacher, in which case the Chair of Governors should deal with the concern.

If the concern has been raised via a third party, the Headteacher (Chair, as appropriate) should collect as much evidence as possible by speaking:

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

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

## ***References***

***Part three of KCSIE*** makes it clear that academies should only provide substantiated safeguarding allegations in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.