



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

1. The DfE have provided statutory guidance relating to the Academy's duties in handling allegations of abuse against teachers and other staff (including supply teachers, volunteers and contractors).

<http://www.education.gov.uk/aboutdfe/advice/g0076914/dealing-with-allegations-of-abuse-against-teachers-and-other-staff>

The guidance relates to the following legislation;

- Keeping Children Safe in Education (September 2022)

At Wellacre we are committed to ensuring every young person in our care is safe. It is our duty to safeguard and promote the welfare of children. Safeguarding and promoting the welfare of children is everyone's responsibility. At Wellacre we promote a culture in which staff are clear about the behaviour expected of themselves and colleagues; concerns or allegations about all adults working at Wellacre are addressed fairly and consistently. Any report will be dealt with quickly and in a way that effectively promotes the child, and at the same time, supports the person who is subject to the concern or allegation. It is important that staff, students, parents/carers are able to raise concerns, are listened to and taken seriously.

This policy sets out how the school will manage allegations (which meet the 'harms threshold') and low-level concerns (which do not meet the 'harms threshold') raised in relation to any employee at the school and the guidance that we will follow.

This policy should be read in conjunction with:

- Safeguarding and Child Protection policy
- Staff Discipline and Conduct policy
- Complaints policy

2. Rationale

- If an allegation is made against a teacher or other member of staff the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.
- The Academy will decide whether the allegation meets the harms threshold, indicating that the person may pose a risk of harm if they continue to work in their present position OR whether it does not meet the harms threshold and their behaviour towards a child does not meet the criteria set out in Section 3 and is deemed a low-level concern.
- In response to an allegation, staff suspension should not be the default option. An individual will only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification will be recorded by the academy and the individual notified of the reasons.
- Allegations that are found to have been malicious will be removed from personnel records and any that are not substantiated, are unfounded or malicious will not be referred to in employer references.
- Students that are found to have made malicious allegations are likely to have breached academy behaviour policies. The academy will therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- Any allegation should be reported straight away to the Principal unless it concerns the Principal in which case it should be reported to the Chair of Governors. The Principal will conduct basic enquiries to establish the facts.
- The local authority designated officer (LADO) is responsible for providing advice and monitoring cases.
- Wellacre has a duty of care to our employees. We will ensure we provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

3. Statement of Procedures

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may not meet the criteria set out below or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay – see section 9 below for low-level concerns.

Some rare allegations may be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Office (LADO) will be informed of all allegations that come to the Academy's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

Where it is alleged that a teacher or member of staff (including volunteers) in the academy 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 would pose a risk of harm if they work regularly or closely with children
- d. behaved or may have behaved in a way that indicates they may not be suitable to work with children

the following procedures will be used and will be applied with common sense and judgement:

3.1 In the first instance, the Academy's senior nominated officer (SNO) – the Principal or their representative - will obtain written details of the allegation, signed and dated by the person receiving the complaint or allegation (not the child/person making the allegation).

3.2 The SNO will;

- ◆ countersign and date the written details,
- ◆ record any other information about times/dates and location of incidents and names of any potential witnesses,
- ◆ consider in consultation with Human Resources the appropriateness of implementing disciplinary procedures e.g. suspension of the person subject to the allegations.

The SNO will not investigate the matter by interviewing the accused person, the child or potential witness. The SNO will report the allegation to the LADO within 1 working day.

3.3 The LADO and SNO will;

- ◆ establish that the allegation is within the scope of these procedures,
- ◆ verify whether there is evidence or information that establishes that the allegation is false or unfounded,
- ◆ consider whether further information is needed,
- ◆ consider carefully whether suspension is needed.

3.4 The LADO will consider whether a strategy meeting should be initiated at which representatives of the police, children's social care and the Academy will be present to consider three strands;

- (i) if there is a criminal case to answer
- (ii) if there is a child protection concern or
- (iii) if the matter is to be referred back to the Academy to consider whether disciplinary action is required.

3.5 In the case of such a meeting being convened the Academy will act in line with any decisions made at this meeting.

The outcome of allegation investigations will be determined as one of the following;

- ◆ **Substantiated:** there is sufficient evidence to prove the allegation
- ◆ **False:** there is sufficient evidence to disprove the allegation
- ◆ **Malicious:** there is clear evidence to disprove the allegation and there has been a deliberate act to deceive
- ◆ **Unsubstantiated:** this is not the same as a false allegation. It means that 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

4. Supporting those Involved

The Academy will always act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and be given an explanation of the likely course of

action, unless there is an objection by the children's social care services or the police. The individual 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 or medical advice.

The Principal 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.

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 Principal will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will 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.

Parents and carers will also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate will consider what support the child or children involved may need.

5. Confidentiality

It is extremely important that when an allegation is made, the Academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012. The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

The Principal will take advice from the LADO, police and children's social care services to agree the following;

- ◆ who needs to know and, exactly what information can be shared,
- ◆ how to manage speculation, leaks and gossip,
- ◆ 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 should arise.

6. **Action on Conclusion of a Case**

- 6.1** If the allegation is substantiated and the person is dismissed or the Academy ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO will discuss with the Principal whether to refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists; or to refer to the Teacher Regulation Agency (TRA).
- 6.2** There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child, or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments. Local authorities, schools, FE colleges and or bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.
- 6.3** So-called 'compromise or settlement agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require that.
- 6.4** Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the SNO and Principal will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The SNO should 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 student at the Academy.

6.5 Suspension

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the Principal to consider suspending the accused until the case is resolved. Suspension should be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the Principal will consider carefully whether the circumstances warrant suspension from contact with children at the Academy or until the allegation is resolved, and may wish to seek advice from their personnel

adviser and the LADO. In cases where the Academy is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

The Principal will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the Principal will be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives will be considered by the Principal before suspending a member of staff;

- ◆ 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 to alternative work in the school so the individual does not have unsupervised access to children;
- ◆ moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- ◆ temporarily redeploying the member of staff to another role in a different location.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the Principal and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The person will be informed at the point of their suspension who their named contact is within the Academy and provided with their contact details.

6.6 Malicious/Unsubstantiated Allegations

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a student.

7. Record Keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, a clear and comprehensive summary of the allegation, details of how the allegation were followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. 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. The record will be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference.

8. Oversight and Monitoring

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Partnerships on the subject. The LADO will provide advice and guidance to the Principal, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

In substantiated cases consideration of 'lessons learned' will be discussed with the LADO and senior staff to allow for improvements in procedure or practice to help prevent similar events in the future.

9. Low-Level Concerns - Allegations / Concerns that do not meet the 'harms threshold'

The term low-level concern does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out in section 3 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 school may have acted in a way that:

- is inconsistent with the staff code of conduct and the standards and values of our organisation, including inappropriate conduct outside of work does not meet the allegation threshold or is otherwise not considered
- serious enough to consider a referral to the LADO, but may merit consulting with and seeking advice from 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
- using inappropriate sexualised, intimidating or offensive language
- humiliating children
- criminal acts of dishonesty and misuse of substances or alcohol
- possession of a weapon
- violence against a person / sexual assault
- being closely associated with someone in their personal lives who may present a risk of harm to children
- as a parent / carer being subject to child protection procedures

Creating a culture in which all concerns about adults (including where the threshold for an allegation is not met) must be shared responsibly with the Principal or the Designated Safeguarding Lead and the information recorded and dealt with appropriately (see Appendix A - Low Level Concern Reporting Form). This encourages an open and transparent culture, enabling us to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working for or with our organisation are clear about professional boundaries and act within them, in accordance with the ethos and values of the school.

At Wellacre we aim to 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.

Low-level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. However, where a low-level concern (or group of concerns) has met the threshold for a referral to the LADO and is found to be substantiated, it will be referred to in a reference.

The procedure for responding to reports of low-level concerns:

If the concern has been raised via a third party, the Principal will 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 categorise the type of behaviour and determine what further action may need to be taken. All of this information will be recorded along with the rationale for the decisions and action taken (Annex A).

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 Staff Discipline and Conduct policy.

Policy Review Date: September 2023

Annex A: Low-Level Concern Reporting Form

Please use this form to record 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 and the standards and values of our organisation, including inappropriate conduct outside of work
- does not meet the allegation threshold or is otherwise not considered serious enough to merit a referral to the LADO

You should provide a concise record, including a brief context in which the low-level concern arose, and details which are chronological, and as accurate and precise as possible. The record should be signed, timed and dated.

Name of adult writing this concern: (This will be kept anonymous if requested, as far as reasonably possible)	
Date written:	
Name of adult about whom there is a concern:	

Detail of concerns (including a brief context, details which are chronological, precise and accurate, any contextual information that may be appropriate)	
Received by:	Date:
Action to be taken:	
<ul style="list-style-type: none"> • • • 	
Follow up - Principal to feedback actions and outcomes to reporter (tick when done and date)	
Monitoring - Concerns are monitored over time with subsequent actions being taken dependent on concerns (eg further training). Add details here:	

This record will be held securely in accordance with our 'Dealing with Allegations of Abuse and Concerns Against Staff and Others policy'. Low-level concerns will be treated in confidence as far as possible, but the school may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations (Data Protection Act 2018 and UK GDPR regulations).