Hamstead Hall Academy Trust

HHAT Managing Safeguarding Allegations/ Concerns raised against staff

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1.INTRODUCTION

This process outlines the procedure for managing allegations of abuse made against any member of school staff, supply staff, visitors, or volunteers. This process will be followed whenever an allegation of abuse is made, and it noted that a member of staff could be subject to an allegation even though they have not harmed a child or intended to harm a child. A staff members conduct could pose a risk to a child.

This process applies to teachers, senior leaders, supply teachers, other professionals, and staff working in all schools within the Hamstead Hall Academy Trust and volunteers, including governors. This document sets out the procedure for managing allegations of abuse in compliance with statutory requirements and sets out the support available to staff and volunteers who may be the subject of an allegation of abuse.

2.PURPOSE

'Keeping Children Safe in Education' sets out the framework or managing allegations of abuse against teachers and other staff. This process should be read alongside the statutory guidance KCSIE (Latest version) Part 4. It should be used in respect of all cases in which it is alleged that a person who works with children under 18 years of age (either paid /unpaid/self-employed/contracted) 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; 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.

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

An allegation against a member of staff could arise from a number of sources e.g.:

- a report from a child victim
- a concern raised by another child/adult in the school/organisation/agency
- a concern raised by a parent or carer.

It is essential that any Safeguarding issue, concern or allegation made against staff, volunteers or other professionals in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time support the person who is the subject of the concern or allegation. Where appropriate, an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

3.DEFINITION OF AN ALLEGATION

In the first instance whenever an allegation is made against a member of staff, another professional or volunteer that meets any of the above criteria, the headteacher must be informed immediately. It is the headteacher's responsibility to immediately consult the Designated Officer (LADO).

If the allegation is made against a headteacher, the person receiving the information must contact the CEO. If the allegation is against an CEO, the person receiving the information must contact the Chair of Governors and Designated Officer (LADO).

Where a safeguarding concern or allegation triggers another procedure such as a grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.
If an allegation requires immediate attention, but is received outside of normal office hours, the headteacher should consult the Social Care Emergency Duty Team or the Child Abuse Investigation Team (CAIT) via local Police. The below which sets out a summary of the overall procedure to be followed.

4. ALLEGATION RAISED

Allegation involves a member of staff or volunteer.

1. Headteacher consults with the Designated Officer (LADO)
2. Initial considerations
3. Fact finding exercise and further discussions with Designated Officer (LADO)
4. Respond to fact finding outcomes

Allegation involves the Headteacher.

1. CEO consults with the Designated Officer (LADO)
2. Initial considerations
3. Fact finding exercise and further discussions with Designated Officer (LADO)
4. Respond to fact finding outcomes

It may be advised that the staff member is not told about the allegation immediately.

Is suspension required?

YES – The allegation is so serious that there is no alternative to suspension. The individual must be informed within 1 working day.
NO – there are alternatives, e.g.:

- The individual can be redeployed to a role with no contact with pupils; or
- Another individual can be present when in contact with pupils;
- The individual can be redeployed to another location;
- The individual can be redeployed away from the pupil(s) concerned;
- The pupil(s) can be moved to another class;

After a discussion with the Designated Officer (LADO), the headteacher should not conduct an investigative process, they should undertake a fact-finding exercise and obtain:

- obtain written details of the concern/allegation. Countersign and date the written details.
- record any information about times, dates and location of alleged incident(s) and names of any potential witnesses.
- make a record of any discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions onto the safeguarding recording system.
- if more information is required than the initial disclosure, the headteacher may obtain any additional information which may be relevant such as previous history, risk assessments, whether the child or their family have made similar allegations and the individual's current contact with children.

After the fact-finding exercise and further discussion with the Designated Officer (LADO), one or more of the following may be applicable:

a) The pupil is alleged to have suffered, or is likely to suffer, significant harm - this requires an immediate referral to social care.
b) A criminal offence is alleged - this requires referral to the police.
c) The allegation relates to poor or inappropriate behaviour and requires an investigation to be completed.
d) The allegation is being handled under the disciplinary and/or capability procedures.
e) The allegation is clearly and demonstrably without foundation, and no further action is required, and a record of the outcome kept on file, in line with data retention policy.

Where it is clear that an investigation by the police or Local Authority children's social care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, in those circumstances the options open to the school are dependent on the nature and circumstances of the allegation and the evidence and information available. The options will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

5. POSSIBLE OUTCOMES

Outcome where either (a) the pupil is alleged to have suffered, or is likely to suffer, significant harm or (b) a criminal offence is alleged.

If the conclusion relates to either (a) or (b) above, the Designated Officer (LADO) will arrange a strategy discussion. The headteacher, police, social care, and HR are invited. The staff member should not attend. The discussion will:

- focus on the needs of the pupil(s) who may be at risk; and
- determine what action should be taken regarding further investigation

- decide on who will inform the parents/carers of the child or young person

Strategy meeting

Following the outcome of the strategy discussion, a strategy meeting will be convened. The Designated Officer (LADO) will convene the meeting with any other relevant people, such as the headteacher, social care, police, and HR. The staff member against whom the allegations is made against should not attend. The general purpose of the meeting is to consider evidence and discuss next steps. The LADO will send out a letter inviting attendees to the meeting, detailing what will be discussed. At the end of the strategy meeting, it will be agreed how and who will inform the staff member of the outcome. Subsequent strategy meetings will be held fortnightly, or at a minimum, monthly, to review progress. Each strategy discussion outcome will depend on the facts of the matter and the particular agencies which may be involved.

Outcome where 5.5 (c) the allegation relates to poor or inappropriate behaviour.

In the course of an investigation, several elements may be followed:

- the headteacher to liaise with HR to arrange for an investigation to be conducted.
- enquires and assessment by social care about whether a child needs protection or in need of services.
- consideration of disciplinary action in respect of the alleged individual.

Suspension during an investigation

The headteacher and HR must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school during the investigation. In the case of the headteacher being suspended from contact with children at the school until the allegation or concern is resolved, they would notify the Chair of Governors

The possible outcomes of an investigation could be:

- no further action
- professional advice and guidance
- disciplinary action
- dismissal either due to
    - risk of harm to children whereupon a barring referral must be made or
    - gross misconduct but no risk of harm to children
    - a finding of a false allegation
- the need to make further enquiries.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the headteacher and the Designated Officer (LADO) should discuss how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of

appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator.

Outcome where (d) the allegation is being handled under the disciplinary and/or capability procedures.

If the conclusion relates to (d) above, an investigation will be initiated under the school's disciplinary and/capability procedures.

Outcome where (e) the allegation is clearly and demonstrably without foundation.

If the conclusion relates to (e), the staff member should be told verbally and in writing that the allegation is without foundation and no further action will be taken.

6. INFORMING THE INDIVIDUAL AND OTHERS

The headteacher should inform the member of staff against whom the allegation has been made against, about the allegation as soon as possible after consulting the Designated Officer (LADO) and HR. If sharing the information with the member of staff will not impede or undermine any subsequent investigations, there should be no delay in doing so.

At this early stage, it is advisable only to explain that an allegation of a child protection nature has been made. The detail of the allegation will be explained during the investigation process, in accordance with the HHAT Disciplinary Policy.

The headteacher will discuss with the Designated Officer (LADO) at the initial consideration stage on how to inform parents or carers of the allegation. Thereafter, parents/carers should also 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.

The deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome.

7. IF A REFERRAL TO SOCIAL CARE IS REQUIRED

A referral to social care is required:

- if a pupil has suffered, is suffering, or is likely to suffer significant or serious harm
- a pupil alleges a criminal offence has been committed
- where there is an allegation of a sexual nature

These referrals are managed in accordance with referral processes and thresholds established by the local safeguarding partners.

The headteacher will liaise with the DSL when a referral to social care is required.

8. IF A CRIME HAS BEEN COMMITED

If a crime has been committed, and there is no reason to suspect significant harm, the Designated Officer (LADO) will immediately inform the police and organise a strategy discussion to decide if a police investigation is needed. If it is not necessary to work with social care, but a police investigation is required, the Designated Officer (LADO) will then agree with the police, the school, and any other agencies the nature of the allegation and how it should be addressed.

The discussion will take place within one working day of the referral. The police will continue to monitor the case. If the member of staff is not charged, the headteacher and Designated Officer (LADO) will decide how to handle the case. If a charge is necessary, the police will inform the member of staff.

9.SUSPENSION

Suspension is not automatic. Alternatives, such as leave of absence, transfer of duties and additional supervision will be considered. Suspension will only occur when evidence outlines that:

- a pupil is at risk.
- the allegation is so serious there is no alternative solution.
- suspension is necessary to allow the conduct of the investigation to continue unimpeded.

A discussion should take place with the staff member informing them verbally of their suspension. This should be followed up with a letter outlining the details. At this stage, the full extent of the issues to be investigated may not be known but the staff member should be given some information about why they are being suspended. There should be no assumption of guilt associated with the suspension. Staff should be informed that they are suspended on full pay. Contact details of a named school representative will be provided for the staff member to discuss any concerns or progress of the allegation.

10. RECORD KEEPING AND INFORMATION SHARING

The headteacher will record any allegation, concern, and discussions in a secure folder within their business ‘OneDrive’ where only the headteacher has access to. Records will be completed as soon as possible after the allegation. This includes:

- incident details
- follow up action
- how it was resolved
- action taken
- any sanctions

Even if no police or disciplinary action is taken, a record will be kept of the allegation on the Safeguarding Monitor tool. If the actions of the member of staff, and the consequences of

the actions, do not raise credible allegation concerns, but do raise other issues in relation to the conduct of the member of staff or the pupil(s), this will be addressed in accordance with internal procedures. Any information or referral forms submitted to the Designated Officer (LADO), or investigation agencies should be scanned into the file.

Information sharing: need to know.

Other staff will only be informed on a 'need to know' basis. Notification may be delayed if the police believe it could prejudice an investigation. Those who will be told are likely to include:

- staff member;
- pupil concerned and their parent(s)/carers;
- individual making the allegation;
- Headteacher and CEO
- designated officer (LADO) and investigating agencies;

11. FALSE ACCUSATIONS

If an allegation is found to be false, action will be taken to see if the person making the allegation is in need of services. If it is a deliberately malicious allegation made by:

- a pupil, the headteacher will act in line with the Behavioural Policy.
- a staff member, it will be handled in accordance with the Disciplinary Policy – the police may also consider acting in this situation.

If it is clear an allegation is false and /or unfounded, the accused staff member will be informed verbally and in writing that no further action will be taken. The information on file will outline that the allegation was malicious.

12. SUPPORTING THOSE INVOLVED

Hamstead Hall Academy Trust has a duty of care to employees and volunteers. The school aims to support the individual throughout the allegation process and will do all it can to manage and minimise stress. If the individual is external to the school, contact will be made with the relevant agency or service provider.

Information will be provided to the individual as soon as possible in line with the guidance set out in this procedure and throughout the allegation process. A named representative will be appointed to keep the individual informed of the progress of the allegation.

The member of staff may wish to contact their Trade Union Representative, if they have one, or a colleague for support. They should also be reminded about the confidential counselling support, which is available through the Smart Clinic Employee Assistance Programme.

Social contact with colleagues and friends should 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 staff member should be advised not to discuss the case with any staff members.

13. CONFIDENTIALITY

It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Consideration should be given to:

- who needs to know and, importantly, 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.

14. CONCLUSION

<u>On conclusion of a case and exit arrangements: possible referrals required.</u>

If an allegation is founded, the KCSIE guidance should be consulted in conjunction with this procedure as to which referrals to professional bodies may be required.

<u>Referral to Disclosure and Barring Service</u>

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual. To satisfy the harm test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour, etc.
- For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in ‘relevant conduct’) would satisfy the harm test.
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has ceased working in a regulated activity or would have been removed had they not left.

<u>Referral to Teaching Regulation Agency (TRA) for consideration.</u>

Where an allegation is substantiated and the member of staff is dismissed or resigns, school should consider referring the matter to the TRA for consideration for a prohibition order.

15. LESSONS LEARNT

If there is a substantiated allegation against a member of staff, the headteacher, CEO, DSL and HR will work with the Designated Officer (LADO) to identify any changes, lessons learnt and improvements which could be made to help prevent similar events in the future.

16. LOW LEVEL CONCERNS

When concerns are raised which do not meet the harm threshold as set out above it is important that the academy records these and takes the appropriate safeguarding actions.

As part of the whole Trust approach to safeguarding it is important that all staff, pupils, parents, volunteer's and supply staff understand that they can raise concerns at any time, who they should raise concerns to and how concerns are recorded within the academy so that concerns can be dealt with promptly minimising any risk of harm.

Sharing of low-level concerns should encourage an open and transparent culture in which concerns are identified early, risk of harm can be minimised and those working in or on behalf of the Trust are clear about professional boundaries and act within the values and ethos of the Trust's behavioural standards.

What is a low-level concern?

A low-level concern is one which does not meet the threshold as defined in part 2 of this policy, this does not mean that the concern is insignificant. No matter how small a staff member may perceive their concern if an adult working in or on behalf of the academy has acted in a way which is:

- inconsistent with the academy's behavioural standards as set out in the code of conduct, teachers standards, disciplinary policy and safeguarding and child protection policy, including inappropriate conduct outside of work.
- does not meet the threshold or would not be considered serious enough to consider a referral to LADO.

KCSIE gives the following non-limiting examples:

- 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 is a secluded area or behind a closed door.
- using inappropriate sexualised, intimidating, or offensive language

It is acknowledged that this behaviour exists on a wide spectrum from thoughtless, context specific actions or that which is intended to enable abuse. It is crucial that all staff feel enabled to raise such concerns with the designated safeguarding lead or deputy to ensure that such concerns are recorded and dealt with promptly and appropriately.

Sharing low level concerns

As with any safeguarding concern in the Trust, all low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). The DSL should inform the headteacher of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern. The headteacher should be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns and/or the role of the DSL in some schools/colleges, the headteacher may wish to consult with the DSL and take a more collaborative decision-making approach.

Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the headteacher. Where the concern relates to a person employed by a supply agency or contractor that concern should be shared with the designated safeguarding lead (or deputy) and their employer notified about the concern so any potential patterns can be identified.

Staff should feel confident to self-refer where they may have found themselves in a situation which could be misinterpreted, or on reflection where they believe they have behaved in such a way which falls below the expected professional standards. If the headteacher/ DSL is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their Designated Officer LADO.

Recording low level concerns

All low-level concerns must be logged on the Safeguarding platform by the headteacher/ DSL as either meeting threshold (LADO referral) or not meeting threshold (low-level concerns). 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 headteacher/DSL 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 Trust 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.

Responding to low level concerns

The DSL must collect as much evidence as possible by speaking to those who raised the concern, the individual(s) involved and any further witnesses. The information collected will enable the headteacher to determine what further action may need to be taken. All information gathered along with the rationale for the decision and action taken should be recorded on the Safeguarding platform.

References and low-level concerns

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.