



Royal Wootton Bassett Academy Trust

Allegations Against Staff

Head Teachers Guidance: *To be read in conjunction with the following policies:*

- **Safeguarding and Child Protection Policies**
- Keeping Children Safe
- Disciplinary and Grievance Policy
- Whistleblowing Policy
- Online Safety Policy – Acceptable Usage Agreements
- Code of Conduct

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Relevant Legislation:

- Part 3 of the schedule to the Education (Independent School Standards) Regulations 2014, which places a duty on academies and independent schools to safeguard and promote the welfare of pupils at the school
- The Children Act 1989 (and 2004 amendment), which provides a framework for the care and protection of children
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the Serious Crime Act 2015, which places a statutory duty on teachers to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18
- Statutory guidance on FGM, which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM
- The Rehabilitation of Offenders Act 1974, which outlines when people with criminal convictions can work with children
- Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, which defines what 'regulated activity' is in relation to children
- Statutory guidance on the Prevent duty, which explains schools' duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism

Under 8 Providers & Early Years

- The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (referred to in this policy as the "2018 Childcare Disqualification Regulations") and Childcare Act 2006, which set out who is disqualified from working with children
- This policy also meets requirements relating to safeguarding and welfare in the statutory framework for the Early Years Foundation Stage

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This section of this policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children
- 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

It applies 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.

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.

Suspension

Suspension 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 it 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 have been consulted

Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work within the Royal Wootton Bassett Academy Trust.

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

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

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, you should seek advice from RWBAT HR at the earliest opportunity.

The Headteacher (Or HR manager , where the Headteacher is the subject of allegation) will take the following steps: 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 designated officer at the local authority. 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 designated officer – 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 designated officer 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 designated officer (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 designated officer, 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 designated officer. 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 designated officer 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 designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- 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. Individuals are advised to contact their Trade Union who can provide support and assistance. Support is also available through Mindful Employer Plus 0300 555 6006 (24 hours a day, 7 days a week). Individuals can also contact HR if they need to speak to a trained Mental Health First Aider who can advise them where to look for further professional support.

- 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
- 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)
- 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
- **Early years providers add:**
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.
- **All schools continue with:**
- 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.

Additional considerations for supply teachers and 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 governing board 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

- 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

Unsubstantiated or malicious allegations

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 local authority's designated officer, 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

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:~~

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 and decisions reached (and justification for these, as stated above)

- [A declaration on whether the information will be referred to in any future reference](#)

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.

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.

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

➤ When providing employer references, we 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. [References will include substantiated allegations, provided that the information is factual and does not include opinions](#)

Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer 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.](#)

[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.](#)

Section 2: concerns that do not meet the harm threshold

The 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](#)
- [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 – 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](#)
- [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

Add more detail about how you create an open culture.

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 behaviour policy/code of conduct].

Add more detail about your procedures for responding to low-level concerns.

Record keeping

All low-level concerns will be recorded in writing using the attached form, Appendix A. 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 of this appendix, we will refer it to the designated officer at the local authority
- Retained by the Headteacher at least until the individual leaves employment at the school [PLEASE STATE HOW THESE ARE STORED]

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

Appendix A - Low Level Concerns/Allegations Record Form

Adult working or volunteering with children/young peoples

CONFIDENTIAL

<u>Name of adult at centre of concern/allegation</u>		<u>Role</u>	
<u>Name of person completing form</u>		<u>Role</u>	
<u>Date of concern/allegation</u>		<u>Date record made</u>	
<u>Name of child /children involved if applicable:</u>			
<u>Has concern/allegation arisen during the adult's time on school site or outside of school?</u>			
<u>Details of the concern/ allegation</u>			
<u>Is the adult aware of the concern/allegation?</u>			
<u>Action taken by person(s) completing the form:</u>			
<u>Who has the concern/allegation been shared with? DSL / Head teacher/Chair of Governors</u>			

<u>To be completed by the Head teacher/ Chair of Governors / CEO</u>
<p><u>Does the information provided suggest that the adult has:-</u></p> <ul style="list-style-type: none"> • <u>behaved in a way that has harmed a child, or may have harmed a child;</u> • <u>possibly committed a criminal offence against or relating to a child;</u> • <u>behaved towards a child or children in a way that indicates that he/she may pose a risk of harm to children</u> • <u>behaved or may have behaved in a way that indicates they may not be suitable to work with children.</u>
<ul style="list-style-type: none"> • <u>has the LADO/DOFA been contacted? Yes/No</u> <u>If yes has a local authority referral form been completed and submitted?</u> • <u>has advice been taken from any other professionals? Yes / No</u> <p><i>Include details of professionals spoken to</i></p>
<p><u>Details of decisions and actions taken</u></p> <p><i>Include here details of</i></p> <ul style="list-style-type: none"> • <i>strategy discussion</i> • <i>allegations management meeting</i> • <i>no involvement by LADO/DOFA – low level concern to be dealt with internally</i> • <i>disciplinary procedures</i> • <i>no further action</i> <p><i>as applicable</i></p>
<p><u>Include here any safeguards which have been put in place in response to the report</u></p> <p><i>Include here details of</i></p> <ul style="list-style-type: none"> • <i>additional adult supervision implemented</i> • <i>risk assessment required</i> • <i>additional staff training required</i> • <i>duties away from children</i> • <i>suspension during investigation</i>
<p><u>If a child or children has been involved, have parents/carers been informed?</u></p> <p><u>Yes / No</u></p> <p><u>If Yes, what action would they like to see?</u></p>
<p><u>Outcome</u></p> <p><u>If it is agreed that the LADO/DOFA needs to conduct an investigation, has the school been informed of the final outcome at the end of the process?</u></p> <p><u>Substantiated/ Malicious/ False/ Unsubstantiated/ Unfounded</u></p>

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Allegations against Staff Flowchart

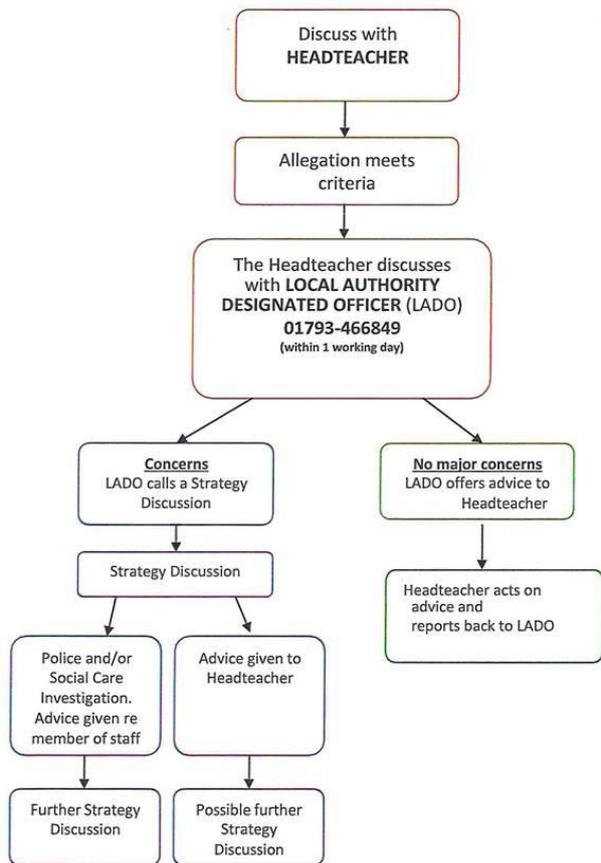
For more detailed guidance, please refer to

www.swcpp.org.uk or www.swindonlscb.org.uk

An allegation may relate to a person who works with children who 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; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

If you have a concern that a person who works with children and young people may have behaved inappropriately or you have received information that may constitute an allegation you should:



Allegations Against Staff Flowchart Wiltshire Guidance

NB This document is intended for use as a brief guide only. For more detailed guidance please refer to the WBCB Allegations Management Policy at www.wiltshirescb.org.uk

If you become aware that a member of staff/volunteer may have

- 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 or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to a child.

Where a young person discloses abuse or neglect

- Listen; take their allegation seriously; reassure that you will take action to keep them safe.
- Inform them what you are going to do next .
- Do not promise confidentiality
- Do not question further or approach/inform the alleged abuser

Report immediately to your/a senior manager/safeguarding lead

Unless there is clear evidence to prove that the allegation is incorrect the **Manager/Safeguarding lead must**

Report the allegation within one working day to the Designated Officer for Allegations (formerly known as LADO)

Designated Officer (direct line) 01225 713945

Multi- agency Safeguarding Hub (MASH) 0300 456 0100

Out of Hours Emergency Duty Service (5.30pm-9.00 am) 0845 807 0888

The Designated Officer will

1. Consider the relevant facts and concerns regarding the adult and the child or children, including any previous history.
2. Decide on next course of action-usually straight away, sometimes after further consultation with other multi-agency parties such as the Police and HR.

If the allegation threshold is NOT met, the Designated Officer will agree with you an appropriate response (eg, for the agency to undertake further

If the allegation threshold is met a strategy meeting will normally be held either by phone or in person. Normally a senior manager/safeguarding lead, the Designated Officer, HR, Police and social care are invited to attend. Relevant information is shared, risks to the children are considered and appropriate action agreed. Eg- Child protection and other enquiries, disciplinary