



SHIRELAND
COLLEGIATE ACADEMY TRUST

Shireland Collegiate Academy Trust Policy

Allegations & Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers

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The Trust, all Academies within the Trust and Shireland Learning Limited must comply with this policy.

Contents

Introduction.....	3
Part one: Allegations against staff, supply staff, contractors and volunteers Purpose	3
Timescale	4
Procedure	4
Reporting an allegation	4
Investigation	5
Supporting those involved	6
Confidentiality	7
Suspensions.....	7
Resignations.....	7
Action on conclusion of the case	8
Action in the case of false or malicious allegations	8
Record keeping	8
After the case	9
Non recent allegations	9
Part Two: Low Level Concerns	10
Recognising low level concerns	10
The importance of sharing low level concerns	10
How to share low level concerns	11
Responding to low-level concerns	11
Recording low-level concerns.....	12
References	12

Shireland Collegiate Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

Introduction

Shireland Collegiate Academy Trust is committed to providing the highest level of care for both its students/pupils and its staff. It is extremely important that any allegations or concerns raised in relation to a teacher, any other member of staff, including supply staff, contractors or volunteers in our academies/schools is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, students/pupils and families/carers are aware of the procedure for the investigation and management of allegations and concerns in order that all complaints are dealt with consistently and efficiently as possible.

We hope that having a clear policy outlined will help students/pupils to feel comfortable that they can voice concerns about any member of staff. Allegations must be reported to the Principal who will immediately inform the Human Resources Director, allegations against Central Trust staff/Shireland Learning staff must be reported to the Human Resources Director who will inform the Chief Executive Officer/Chief Operating Officer as appropriate. All allegations will be taken seriously and investigated immediately.

This policy is in two parts. The first part deals with allegations made against teachers, any other members of staff, including supply staff, contractors or volunteers. The second part of the policy deals with low level concerns raised in relation to teachers, any other members of staff, including supply staff, contractors or volunteers.

Part one: Allegations against staff, supply staff, contractors and volunteers

Purpose

The procedure for dealing with allegations against staff, supply staff, contractors and volunteers depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the Trust's complaints policy, child protection policy and disciplinary procedure.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school/Trust has:

- behaved in such a way that may have harmed a child or may have harmed a child (our **Child Protection Policy** outlines what it means to harm 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 he or she may pose a risk of harm to children

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

- behaved or may have behaved in a way that indicates they may not be suitable to work with children

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

Timescale

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress
- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All allegations made against staff should be reported **immediately** to the Principal who will inform the Human Resources Director. Complaints about the Principal should be reported to the Chief Executive Officer or HR Director, Complaints about the Chief Executive Officer should be reported to the HR Director/Chair of the Academy Trust Board who will then contact the Local Authority Designated Officer (LADO).

Staff who are concerned about the conduct of a colleague towards a pupil/student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. **All staff must remember that the welfare of the child is paramount and must report their concerns immediately.**

When an allegation is made Principal/CEO/Chair will consider two aspects:

- looking after the welfare of the child; and
- investigating and supporting the person subject to the allegation.

In each case, the Principal/CEO/Chair will:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

- provide effective protection for the child and support the person subject to the allegation.

Before contacting the LADO, the Principal/CEO/Chair will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The Principal/CEO/Chair headteacher will contact the designated officer at the local authority and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

The Academy/Trust will share available information with the designated officer about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed.

Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and police.

Investigation

The member of staff receiving the disclosure must not attempt to investigate the allegation but provide a full written account of what the child has said, this account should be dated and signed. The child should not be requested to write anything down as this may compromise any subsequent police action.

An investigation into the allegation is normally carried out by children's social services or by the Academy/Trust. This will be agreed at the initial evaluation stage. Where the Academy/Trust is not conducting the investigation, it will cooperate with investigative agencies.

Internal investigations by the Academy/Trust must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

The following definitions should be used when determining the outcome of the investigation:

- **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. The term, therefore, does not imply guilt or innocence.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

In no circumstances would the Academy/Trust cease to use a member of agency staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst the Trust is not the employer of supply teachers, we will ensure allegations are dealt with properly and involve the supply staff agency in the process.

Supporting those involved

The person(s) who makes the allegation and their family/carers

Families/carers will be notified if their child makes or is involved in an allegation against a member of staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the family/carers. Family and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome.

Social services and the police may be involved and will provide the Academy/Trust with advice on what type of additional support the child may need.

The Academy Trust's **whistleblowing policy** enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee

The Academy/Trust has a duty of care to its employees and will do everything to minimise the stress of any allegation and any subsequent disciplinary process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the LADO. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The employee will be kept informed of the progress of the case and any other work-related issues.

Any member of staff who is subject to an allegation and/or subsequently suspended is encouraged to seek advice and support at the earliest opportunity from their trade union.

During a period of suspension, a member of the senior team will act as contact officer for the member of staff.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

In addition to this information on the Employee Assistance Programme will be provided by the Human Resources Team. The employee may need additional support and the Academy Trust will consider what might be appropriate to best accommodate this.

Confidentiality

The Academy/Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

Suspensions

The Academy/Trust will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case it may be possible that alternative arrangements are made so that the individual can continue working.

The Chief Executive Officer/Principal holds the power to suspend an employee but will consider the advice of the police and or social care regarding suspension.

The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the Academy/Trust immediately will cease to use the services of that member of agency staff.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

The Trust will not prevent social contact with work colleagues and friends unless there is evidence to suggest this may prejudice the gathering of evidence.

Resignations

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegations.

Settlement agreements will not be used in situations which are relevant to these procedures.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

Action on conclusion of the case

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services or the agency staff member's services as a result of the allegation, the Academy/Trust will consider whether a referral must be made to the DBS and/or to the TRA as appropriate.

If it is decided that the employee may return to work after a suspension, then provisions will be put in place by the Trust/Academy to ensure that the transition is as smooth as possible. This may involve a phased return for a fixed period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

Where an allegation is made against a member of agency staff the outcome of the investigation will be shared with the supply agency and the LADO.

Action in the case of false or malicious allegations

Where an allegation is proved to be false, the Chief Executive Officer/Principal may refer to social services to determine whether the child is in need of support or has been abused by someone else.

The **behaviour policy** sets out the disciplinary action that may be taken against students/pupils who are found to have made malicious accusations against staff.

If the claim has been made by a person who is not a pupil, the Academy Trust /Academy may pass the information to the police who may take further action against that person.

Record keeping

Where an allegation is found to be malicious, it will be removed from the record of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file:

- 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 above
- a copy provided to the person concerned, where agreed by children's social care or the police
- a declaration on whether the information will be referred to in any future reference.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

The record will be kept, including for people who leave the organisation, at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.

Details of any allegation made by a student/pupil will be kept in the confidential section of their record.

After the case

No matter what the outcome is of an allegation of abuse against staff, including agency staff, the Trust /Academy will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

Non recent allegations

Where an adult makes an allegation to the Trust/Academy that they were abused as a child, that adult will be advised to report the allegation to the police.

Non recent allegations made by a child will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations.

Part Two: Low Level Concerns

The procedure for dealing with low level concerns raised in relation to teachers, any other members of staff, including agency staff, contractors or volunteers depend on the situation and circumstances surrounding the concern.

This policy must be followed when dealing with low level concerns but may be adapted to each case. This part of the policy will be used alongside the Trust/school's **complaints policy, child protection and safeguarding policy** and **Staff discipline, conduct and grievance policy**.

Shireland Collegiate Academy Trust promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. This policy is designed to:

- promote and maintain a culture of openness, trust and transparency where staff are clear about the behaviours expected of themselves and their colleagues
- ensure staff feel comfortable to raise low-level concerns; and
- provide for efficient and proportionate handling of those concerns when raised.

Recognising low level concerns

This policy will be used to manage 'low-level' concerns, defined as 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 or college 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 Local Authority Designated Officer (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; contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- humiliating pupils.

The importance of sharing low level concerns

For our culture of openness, trust and transparency to prevail, all staff should share any low level concerns they have. Serious case reviews and safeguarding practice reviews

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

have all too often evidenced how low-level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.

To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low level concerns.

How to share low level concerns

All staff are encouraged to report low level safeguarding concerns regarding colleagues so that the identified behaviours can be investigated and managed appropriately. The welfare of the child is paramount and so staff must report their concerns immediately.

All low level concerns in relation to staff, supply staff, contractors and volunteers should be reported immediately to the headteacher. Concerns about the headteacher should be reported to the chair of governors.

The procedure for reporting low level concerns is deliberately the same as that for reporting allegations of abuse as set out in part one of this policy. Therefore, staff do not need to concern themselves with whether their concern meets the threshold set out in part one of this policy or is a low level concern. The headteacher or chair of governors (as appropriate) will make this determination once the staff member has reported the issue.

Responding to low-level concerns

The headteacher or chair (as appropriate) will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy. An issue reported as a low-level concern would be dealt under part one of this policy where it meets the threshold set out in part one or there is a pattern of low level concerns expressed about the individual or staff practices generally.

If necessary, the headteacher or chair (as appropriate) will discuss the concern with the LADO to determine whether it should be dealt with under part one of this policy.

The Principal/CEO or chair (as appropriate) will discuss the concern with the individual who raised it and will investigate it as appropriate.

Most low-level concerns are likely to be minor and will be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the school's staff discipline, conduct and grievance policy.

If the concern has been raised via a third party, the headteacher will collect as much evidence as possible by speaking directly to the person who raised the concern (unless it has been raised anonymously), to the individual involved and any witnesses.

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

Where a low-level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

Recording low-level concerns

All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If such patterns are identified, the school will decide on an appropriate course of action and will refer the matter to the LADO where the behaviour moves from a concern to meeting the harms threshold set out in the first part of this policy.

The record of the low-level concern will be kept at least until the person leaves our school.

References

Low level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to in a reference.