

# Allegations against Staff Policy

## Blessed Edward Oldcorne Catholic College



**Approved by:** Full Governing Body

**Date:** October 2023

**Last reviewed on:**  
January 2023

**Next review due by:** October 2024

At Blessed Edward Oldcorne Catholic College we have our own procedures for dealing with allegations against a member of staff, supply teacher, volunteer or contractor. These procedures are consistent with local safeguarding procedures and practice guidance and have regard to this guidance. It is important that policies and procedures make clear to whom allegations should be reported and that this should be done without delay. A “case manager” will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors. This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

### **Allegations/concerns that do not meet the harm threshold**

If an allegation does not meet the threshold, we will manage appropriately to safeguard young people.

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

Where we identify a child that there may be an immediate risk of harm to a child or if the situation is an emergency, we will contact children’s social care services and as appropriate the police immediately as per the processes explained in Part one of this guidance. We will consider when an allegation is made:

Looking after the welfare of the child - the designated safeguarding lead is responsible for ensuring that the child is not at risk, referring cases of suspected abuse to the local authority children’s social care as described in Part one of this guidance.

Investigating and supporting the person subject to the allegation - the case manager should discuss with the Local Authority Designated Officer (LADO), the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, we will:

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

Blessed Edward Oldcorne Catholic College will ensure all staff understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the school or college at the time of the allegations?
- did the individual, or could they have, come into contact with the child?

- are there any witnesses? and,
- was there any CCTV footage?

Relevant staff at Blessed Edward Oldcorne Catholic College are familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service. When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children social care and the police.

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care services will be convened in accordance with the statutory guidance: Working Together to Safeguard Children.

If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found on Welcome to GOV.UK ([www.gov.uk](http://www.gov.uk)) Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager.

### **Supply teachers**

In some circumstances Blessed Edward Oldcorne Catholic College will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply; for example, supply teachers provided by an employment agency or business. Whilst school are not the employer of supply teachers, we will ensure allegations are dealt with properly. In no circumstances will we decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors will discuss with the supply agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social services. The school will take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the governing body or proprietor when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support.

The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school or college during the investigation. When using a supply agency, schools will inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

### **Governors**

If an allegation is made against a governor, school will follow their own local procedures. Where an allegation is substantiated, we will follow the procedures to consider removing them from office.

### **Suspension**

Suspension is not an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager will seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children's social services.

Where school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at school, we will take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual must not carry out teaching work. Blessed Edward Oldcorne Catholic College has clear policy on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at school, based on consultation with the LADO who will provide relevant information we receive from the police or children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager 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, for example to an alternative school or college or where available, work for the local authority.

These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious or false.

If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. 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 given within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point

of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their advice. The power to suspend is vested in the governing body or proprietor who are the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care services, and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

Blessed Edward Oldcorne Catholic College has processes and procedures in place to manage any safeguarding concerns about staff members (including supply staff and volunteers). If staff have safeguarding concerns or an allegation is made about another member of staff (including supply staff and volunteers) posing a risk of harm to children, then:

- this should be referred to the headteacher;
- where there are concerns/allegations about the headteacher this should be referred to the chair of governors

Blessed Edward Oldcorne Catholic College will comply with guidance about conduct and safe practice, including safe use of mobile phones. Pupils' allegations or concerns about staff conduct will be taken seriously and followed up in a transparent and timely way.

Blessed Edward Oldcorne Catholic College will follow guidance where it is alleged that anyone working in the school or college that provides education for children under 18 years of age, including supply teachers and volunteers 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.
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Allegations against a teacher who is no longer teaching we may refer to the police. Historical allegations of abuse should also be referred to the police. Members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse should also be referred to the police. Blessed Edward Oldcorne Catholic College has a duty of care to our employees. We will ensure we provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. Where Blessed Edward Oldcorne Catholic College is not the employer of an individual, they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes supply teachers and volunteers, see paragraphs on supply teachers). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that

provides effective protection for the child and, at the same time supports the person who is the subject of the allegation

### **Concerns and or allegations that do not meet the harm threshold**

Our Governing body have policies and processes to deal with any concerns (including allegations) which do not meet the harm threshold, referred to as 'low-level' concerns.

#### **Low Level concerns**

At Blessed Edward Oldcorne Catholic College we promote an open and transparent culture in which all concerns about all adults working in or on behalf of our school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- encourage an open and transparent culture
- enable schools and colleges to identify inappropriate, problematic or concerning behaviour early
- minimise the risk of abuse and ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

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

The term 'low-level' concern does not mean that it is insignificant. 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 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 harm threshold or is otherwise not serious enough to consider a referral to the LADO. Examples of such behaviour could include, but are not limited to:
- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, 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.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is crucial that all low-level concerns are shared responsibly with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

#### **How to raise a low level concern about a member of staff**

Concerns about staff should be shared with the Headteacher. This can be done in person or via email

#### **How to make a self referral**

Staff are empowered to self refer if they are worried that they may have acted in a manner which is not in line with the college's processes and procedures or that their actions may have been misconstrued.

### **Recording Low Level Concerns**

The Headteacher records all low level concerns on a password protected spreadsheet.

### **References**

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

Links to other policies:

Safeguarding policy

Positive handling and restraint policy