



Saint John Wall Catholic School
A Catholic School For All

Mission Statement

'To educate each and every unique child in our care to hear and respond to what God calls them to be'



Managing Allegations and Low-Level Concerns Relating to Adults Policy

For God gave us a spirit not of fear but of power and love and self-control.
2 Timothy 1:7

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1. Policy statement

The safeguarding, care and support of all children and young people are of paramount concern to Saint John Wall Catholic School. The day-to-day care of pupils, staff and volunteers is a priority to all.

Saint John Wall Catholic School recognises the significant role that school staff play in large parts of a pupil's early life. Staff play a key role in influencing and shaping pupils academically, socially and morally.

Staff are vulnerable to allegations of abuse and it is therefore expected that staff conduct themselves in a way that minimises the risk of actions being construed as illegal or professionally inappropriate.

An allegation of any kind against an adult working within the school is taken very seriously and this policy will outline the steps that should be taken when such allegations arise that concern the welfare and safeguarding of a pupil.

This policy affirms that any allegations will be dealt with robustly and without prejudice. It is essential that anyone dealing with allegations of this nature keeps an open mind and applies common sense.

Educational establishments have a duty to assist Local Authority Children's Social Care, acting on behalf of the pupils who have made allegations and who are in the care of the school. The school will work co-operatively with external agencies where appropriate and necessary.

This document follows DFE guidance in relation to carrying out duties relating to the management of allegations. This policy provides the school with:

- a) Information and guidance about managing allegations of potential child abuse
- b) Details of the statutory processes that relate to managing allegations

Other guidance and documentation that support this policy:

- Keeping Children Safe in Education (DFE, 2022)
- Working Together to Safeguard Children (DFE, 2018)
- Guidance for safer working practice for those working with children and young people in education settings (2019)
- The Children Act 1989 and 2004
- The Children and Social Work Act 2017
- The Education Act 2002

When referring to the process for managing the response to allegations/concerns, this policy is split into two distinct sections:

a) Allegations that may meet the harm threshold

- Responsibilities
- The role of the school
- Initial response
- Referral to LADO

- Considering suspension
- Investigation stage
- Outcomes

b) Concerns that do not meet the harm threshold

- Responsibilities
- Initial response
- Record keeping
- Referral to LADO
- References

2. Background

Keeping Children Safe in Education (2022) describes two types of allegations/concerns within Part 4.

This policy relates to both Allegations that meet the threshold of harm for a referral to the Local Authority Designated Officer (LADO) and Allegations/concerns that do not meet the threshold of harm.

a) Allegations that may meet the threshold of harm

Where a concern or allegation indicates that an adult has:

1. behaved in a way that has harmed a child, or may have harmed a child;
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children.

These allegations/concerns are considered to meet the 'threshold of harm'.

b) Concerns that do not meet the threshold of harm

As part of our school-wide approach to safeguarding, we promote 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.

These types of concerns are low-level concerns.

The term 'low-level' concern does not mean that it is insignificant; it means that the behaviour towards a child does not meet the harm threshold.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the school's 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 LADO.

Examples of such behaviour could include, but are not limited to:

- being over-friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;
or,
- using inappropriate sexualised, intimidating or offensive language.

Full details of how to manage allegations, including a low level concern can be found in part four of Keeping Children Safe in Education 2022.

a) Allegations that may meet the harms threshold

Responsibilities

When staff become aware of a concern/allegation that meets the threshold, they have a statutory duty to report it to the Headteacher.

Where a concern or allegation indicates that an adult 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;

a referral will be made to the Local Authority Designated Officer without delay. These allegations/concerns are considered to meet the 'harm threshold'.

Failure to report child protection concerns could result in disciplinary action. School will make every effort to maintain confidentiality.

If the concern relates to the Headteacher, staff must report this to the Chair of the Governing Body.

Staff are also able to discuss and refer their concerns to their Local Authority Designated Officer (LADO) directly if they wish.

The role of the LADO is a statutory role. The LADO gives advice, support and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people and, if appropriate, vulnerable adults.

Staff can also contact the NSPCC Whistleblowing Advice Line on 0800 028 0285 or email help@nspcc.org.uk.

Initial Response

Where school has identified a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and, as appropriate, the Police immediately.

There are two aspects to consider when an allegation is made:

1. **Looking after the welfare of the child** - the DSL is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to children's social care as described in this guidance.
2. **Investigating and supporting the person subject to the allegation** – the staff member who is allocated to manage the case should discuss with the LADO the nature, content and context of the allegation and agree on a course of action.

When dealing with allegations, the school 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.

Before contacting the LADO, the school may conduct basic enquiries 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.

Examples of questions that may be considered are:

- was the individual in the school 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?

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's social care and the Police.

Referral to the LADO

Where the allegation/concern suggests that the harm threshold has been met, the Headteacher should contact the LADO without delay.

The Headteacher or an appropriate member of Senior Leadership will lead the initial fact-finding process. They will be responsible for:

- contacting the LADO to share the information about the allegation and to discuss the next steps;
- recording decisions (including the rationale behind them);
- informing all parties, if no further action;

- discussing options for the person against whom the allegations are made with HR;
- attend, with support, any appropriate strategy meeting if and when called.

Where the initial discussion leads to no further action, the school and LADO should:

- record the decision and justification for it
- agree on what information should be put in writing to the individual concerned and by whom.

Manage the process in line with Section Two – investigating and supporting the person subject to the allegation.

Considering Suspension

It is important to note that suspension is a neutral act that can protect the interests of both parties and is not a presumption of guilt. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, that will require school to consider suspension until the case is resolved. Suspension will be considered where there is cause to suspect the child(ren) are at risk of harm or the case is so serious it may be grounds for dismissal.

When considering suspension, school should seek advice from the school's Human Resources Consultant.

Further details relating to suspension can be found in part four of Keeping Children Safe in Education 2022.

Investigation stage

There are three types of investigation:

1. by Social Services and the Police

If the LADO feels that the matter needs a formal investigation external to the school this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place. The LADO should work with the school to inform who should attend all meetings relating to the formal investigation

The school will support the multi-agency process until such time that they are directed to undertake a specific action or investigation. Where an action is directed, the school will maintain contact with the LADO to update them on the progress and outcome.

An agreement will be reached with the LADO (and the Police/Children's Social Services if appropriate) and HR as to how information is shared and maintained with the adult concerned throughout the investigative process.

The school will keep a record of all agreed actions and the strategies used, including the rationale behind them throughout the investigation process.

2. by the Police under criminal law

The Police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

Where the Police are involved, wherever possible, the school should ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process.

This should be done as their investigation proceeds and will enable the Police to share relevant information without delaying the conclusion of their investigation or any court case.

3. by the school line with disciplinary procedures.

Sometimes, the LADO will ask the school to undertake an investigation. Internal investigations must only be carried out once the Designated Officer and Police have concluded their involvement or at their request.

Where further enquiries are required to enable a decision about how to proceed, the LADO and school should discuss how and by whom the investigation will be undertaken.

In straightforward cases, the investigation should normally be undertaken by a senior member of school staff. The appointment of an investigating officer will be agreed upon.

The Headteacher should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If an allegation is made against an adult working within the school, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

The discussions with the LADO will help the school to know the best options to deal with the allegations. If the matter is to be dealt with internally within the school or setting, the school will, with the necessary support from HR, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

Outcomes

The definitions that should be used when academies determine the outcome of an allegation are set out below:

- *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 or cause harm to the person subject of the allegation;
- *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; or,
- *Unfounded*: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

If the allegation is substantiated and:

- the person is dismissed, resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person's services

The school legal duty to make a referral to the DBS¹ for consideration of whether inclusion on the barred lists is required and, in the case of a member of teaching staff, refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the school, with the support of HR, will consider how best to facilitate that. This process will be managed sensitively and options such as a phased return to work or welfare support may be considered. The school will also consider how the person's contact with the child(ren) who made the allegation can best be managed if they are still a pupil at the school.

Where the school considers pupils to have made malicious allegations, they are likely to have breached behaviour policies. The school will therefore consider whether to apply an appropriate sanction which could include fixed-term or permanent exclusion.

Any allegations made by staff which the school considers to be malicious may be deemed to have breached staff policies and could lead to disciplinary action being taken against the member of staff up to and including dismissal.

b) Concerns that do not meet the threshold of harm: 'Low level concerns'

A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above or is not otherwise serious enough to consider a referral to the LADO.

¹ There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child, or if a person otherwise poses a risk of harm to a child (see Keeping Children Safe in Education (2022))

The purpose of this section is to support schools in creating and embedding a culture of openness, trust, and transparency in which the school's values and expected behaviour, as outlined in the staff code of conduct, are constantly lived, monitored, and reinforced by all staff.

The purpose of this section of the policy is to ensure that all 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.

It also aims to support the school in:

- empowering staff to share any low-level safeguarding concerns with the Headteacher;
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping to identify any weakness in the school's safeguarding system.

Low-level concerns about a member of staff should be reported, without delay, to the Headteacher.

The school recognises that it is crucial that any such concerns, including those which do not meet the allegation/threshold of harm, are shared responsibly and 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 our schools from potential false allegations or misunderstandings.

Full details of how to manage low level concerns can be found in part four of Keeping Children Safe in Education 2022.

Initial response

The Headteacher should 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.

The Headteacher should investigate the concern. If during the course of the investigation, information uncovered suggests that the adult 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;

the Headteacher will make a referral to the Local Authority Designated Officer without delay.

Record keeping

All low-level concerns should be recorded in writing by the Headteacher. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted; if the individual wishes to remain anonymous, then that should be respected as far as reasonably possible. These are kept on staff personnel files and/or in a secure electronic format,

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

These records will be retained at least until the individual leaves their employment.

Records will be reviewed by the Headteacher regularly so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Consideration will also be given to whether there are wider cultural issues within the school 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.

Referral to the LADO

Where it is clear that an investigation by the Police or Social Care is unnecessary, the Headteacher can discuss the next steps with the LADO. In those circumstances, the options open to the Headteacher depend on the nature and circumstances of the concern and the evidence available. This will range from no further action to dismissal or a decision not to use the person's services in the future.

For any internal investigation the disciplinary and investigation procedures adopted by the school will be followed.

At any point in the investigation, where a pattern of behaviour moves from a concern to meeting the threshold of harm, in which case it should be referred to the LADO.

Where a referral is made to the LADO, the process is outlined in the '**Referral to the LADO**' section above.

References

Schools will only refer to substantiated safeguarding allegations in references.

Low-level concerns will not be included in references unless they relate to issues that would normally be included in a reference, for example, misconduct or poor performance.

However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will also be referred to in a reference.

3. Managing communications and support

The person subject to the allegations should be kept informed of the progress of the case and offered appropriate support. However, in some circumstances, the Police or Social Care may need certain information to be withheld if it could prejudice their enquires.

Parents or carers of any children directly involved should also be kept informed. The Headteacher will consult with the LADO regarding what is appropriate to share with parents where necessary.

Every effort must be made to maintain confidentiality while an allegation is being investigated.

The school has a duty of care to their employees and should provide the relevant support for any member of staff accused of abuse. In addition, school will:

- ensure that the employee is kept up to date regarding the allegations and possible action unless there is an objection from the police or LADO;
- advise the employee to speak to their trade union or a workplace colleague for support as well as providing them with information on any welfare support or medical advice;

4. Supply teachers and all contracted staff

Where an allegation is made against an individual who is not directly employed by the school and its disciplinary procedures do not fully apply because agencies or companies have their own policies in place, this will not prevent the school engaging in procedures to ensure the safety of children.

The school will ensure that all allegations that are made against an adult working with children in any position are dealt with properly, including finding out facts and liaising with the LADO to determine suitable outcomes.

Any adult who has contact with children at the school, whether employed directly or not, is under the supervision and direction of the school and its governance.

The school will work collaboratively with supply agencies and other external companies where appropriate and will be fully involved with any further enquiries from the Police or Social Care.

When using a supply agency or external contractor, school will inform providers of its process for managing allegations and their duty to refer to the DBS or Social Care and/or Police.

5. Resignations and Settlement agreements

If the accused person resigns or ceases to volunteer, this will not prevent an allegation from being followed up in accordance with the statutory guidance 'Keeping Children Safe in Education' (2022).

The school strongly believe it is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it.

The person concerned will be notified of the conclusion of the allegations. The process of recording the allegation and any supporting evidence and reaching a judgement about

whether it can be substantiated or otherwise on the basis of all the information available will continue even if the accused does not cooperate.

A 'Settlement Agreement' should not be agreed where any adult has:

1. behaved in a way that has harmed a child, or may have harmed a child;
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children;

The school will not make 'Settlement agreements' (sometimes referred to as compromise agreements) with any person that agrees to resign if the employer agrees not to pursue disciplinary action or if both parties agree a form of words to be used in any future reference.

A settlement agreement that prevents the employer from making a referral to the DBS when the criteria are above are met is likely to result in a criminal offence being committed, as the school would not be complying with its legal duty to make the referral. An agreed reference should not be given if the criteria have been met.

The school will always make a referral to the DBS if a person in regulated activity has been dismissed or removed due to a safeguarding concern or would have been had they not resigned.

5. Record Keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, the school recognises the importance of:

- 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;

being kept on the confidential personnel file of the accused. A copy of such a record will be provided to the person concerned.

The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

6. References

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers.

The school recognises that this is particularly important where the person moves into another position involving working with children.

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

When appropriate, advice will be taken from the Data Protection Officer regarding the contents of a reference.

Data will be processed in line with the requirements and protections set out in the UK General Data Protection Regulation.

7. Learning Lessons from allegations/concerns

Learning lessons from safeguarding cases is a fundamental part of an effective culture of safeguarding, and the school commits to engaging in any such learning process.

Throughout the process of handling allegations and at the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the school to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future.

The LADO and the school should consider how future investigations of a similar nature could be carried out without suspending the individual.

Any learning review should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether suspension was justified.

Where an internal investigation relating to a safeguarding allegation leads to a disciplinary hearing being held, the school will undertake a learning review of the case, with the intention of identifying any broader learning points for the school.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.

Where the LADO does not undertake a learning review, the school will always consider the facts with the case manager and determine whether any improvements can be made.

8. Non-recent allegations

Reports of abuse can be made no matter how long ago it happened.

Where an adult makes an allegation that they were abused as a child, the individual 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 and this policy.

New Policy: 03/11/2022

Ratified: 14/11/2022

Review Date: 14/11/2023

(This policy will remain in force beyond the review date if no updates are required)