

Policy and Procedure on Allegations of Abuse Made Against Staff

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Trustee Committee: ARR

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Policy Review

This policy will be reviewed in full by the Board of Trustees no less than annually.

The policy was last reviewed and agreed by the Board of Trustees on 10/12/24
It is due for review in 12 months from the above date.

Signature _____

Date _____

Headteacher

Signature _____

Date _____

Chair of Board of Trustees

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1.0 Introduction

This procedure relates to statutory guidance from the Department for Education (DfE) in respect of staff who face allegations of abuse. Hitchin Boys' School must have due regard to the guidance when carrying out duties relating to handling allegations of abuse against staff such as teachers, support staff, volunteers and supply teachers provided by an external agency. The procedure is part of our overall strategy to safeguard and promote the welfare of children. Their welfare is paramount in all we do. We also believe that employees about whom there are concerns should be treated fairly and honestly and provided with appropriate support.

2.0 Key Responsibilities

All managers, staff and volunteers should be aware of, and work, under their key responsibilities as outlined in the following documents.

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- UK General Data Protection Regulations (UK GDPR)
- DfE (2024) Keeping Children safe in education 2024
- DfE (2023) Working together to safeguard children 2023

The policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Disciplinary Policy and Procedure
- Staff Code of Conduct
- Data Protection Policy
- Behaviour Policy
- Safer Recruitment Policy

3.0 Procedure for Managing an Allegation

3.1 Allegations

All staff must know how to recognise an allegation and who to report to. Allegations may arise as a complaint, grievance, suspicion, concern, during discussion with a child, parent, member of staff or member of the public.

All allegations against employees, volunteers, contracted staff and supply teachers must be reported to the Headteacher as soon as possible. If the allegation concerns the Headteacher, this must be reported to the Chair of Board of Trustees.

3.2 Dealing with the allegation - other than low level concerns

The Headteacher must discuss this with the Local Authority Designated Officer (LADO) and with the designated safeguarding lead in the school. HR in the school should also be made aware.

At this stage, this should not be discussed with anyone else, particularly the employee involved. Advice from the LADO should be taken before taking any action, aside from very rare cases where immediate action may be required to prevent imminent harm to a child.

The Headteacher will:

- Make initial enquiries only
- Not investigate or interview until spoken to LADO
- Apply the normal principles of confidentiality
- Deal with everything objectively

The investigation into the allegation should be completed in line with the guidance in the Keeping Children Safe in Education (KSCIE) and Working Together to Safeguard Children documents alongside the HBS Safeguarding and Child Protection Policy and HBS Disciplinary Policy. At all times detailed records of actions, statements and other information must be kept.

3.3 Nature of the Allegations

There are four areas that need to be considered in respect of allegations involving safeguarding that an employee, volunteer, supply teacher or third-party premises hirer 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 indicate that they may pose a risk to harm children: or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

3.4 Definitions to be used when determining the outcome of the allegation investigations at a Disciplinary Hearing.

At the outcome of the Disciplinary Hearing the outcome should be reflected in the following way:

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

3.5 Supply / Agency Teachers / Third Party Premises Hirers

It is the responsibility of the Headteacher to manage the initial investigations into any allegations of abuse made against a supply / agency worker or third-party premises hirer. In the first instance the Headteacher will use the process outlined above to access the action required. This may also include advising the LADO. Once this action has happened, the Headteacher will contact the agency or third-party premises hirer and discuss the next steps. The school cannot suspend a supply teacher but will discuss with the agency the supply teacher being passed back to them. The agency or hirer will be expected to engage with the school and LADO, to ensure the necessary action in respect of the allegations.

4.0 SUPPORTING THOSE INVOLVED

4.1 Supporting the Children

In all cases where a child raises a complaint there must be appropriate support arrangements put in place for the child. It is not possible to prescribe here the appropriate support for every scenario but, regardless of the merits of the complaint, support should be offered to all children. **The support provided should be appropriate and those providing it will have the necessary training and expertise.**

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, the school will work together with social services and/or the police as appropriate to identify support for the child or children involved.

4.2 Supporting Parents and Carers

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or social care services need to be involved, the Headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. They should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

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

4.3 Supporting employees

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process.

Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and explained the likely course of action unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The case manager should appoint a named representative to keep the employee informed of the progress of the case. Care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. HBS Disciplinary Policy provides guidance in relation to suspension of employees.

Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. However, the employee must be advised that details of the allegations are confidential and not to be disclosed to social contacts. The person raising the allegation must also be made aware of the confidentiality expected.

5.0 Suspension from duty

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, that will require the school to consider suspending the person until the case is resolved. Suspension will not be an automatic response when an allegation is reported.

Suspension should only be considered in a case where there is cause to suspect a child or other children at the school is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However,

a person should not be suspended automatically, or without careful thought being given to the circumstances of the case. The school must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved.

6.0 Timescales

It is in everyone's interest to resolve cases in a timely fashion but ensuring there is a consistent, and thorough investigation. All allegations must be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation. Once the investigation report is complete, the Headteacher will follow the HBS Disciplinary Policy.

7.0 Confidentiality

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police might depart from that rule, e.g., an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.)

The school will take advice from the LADO, police, and social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest when it should arise.

In school, the Headteacher should ensure that:

- staff are reminded that they could be held to account for any breaches of confidentiality
- parents and pupils are reminded that circulating details of allegations may be defamatory and, where pupils are concerned, result in pupil discipline
- limit suspension pending investigation only to those appropriate.

8.0 Resignations and References

Should an employee resign or cease to provide their services during this procedure, whilst this may be accepted, it will not prevent an allegation being followed up in accordance with these procedures. 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 with the process.

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

The Headteacher will not enter into any kind of settlement agreement with an employee who is subject to safeguarding allegations.

9.0 Actions on conclusion of a case

HBS will take relevant action on the conclusion of the case in line with the guidance in Keeping Children Safe in Education (KCSIE) document and the school's Disciplinary Policy.

Where it is decided the individual, who has been suspended can return to work, either because the allegation has been proved unfounded or after a disciplinary hearing, the school should consider how best to facilitate this. This may include a short, phased return to work and/or provision of a mentor to provide assistance and support in the short term.

There must also be consideration as to how to manage the individual's contact with the pupil/student who has made the allegation if they are still attending the school.

10.0 Low Level Concerns

Keeping Children Safe in Education, September 2021, introduced the concept of "low level concerns" when dealing with allegations

"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 allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO."*

The introduction of the concept of "low level" concerns in relation to staff conduct maintains a protective ethos across the whole school that encourages a culture of openness, trust, and transparency and where all staff are clear about expected behaviour and conduct.

Staff need to be aware of the concept of low-level concerns with the emphasis on reporting any concerns they may have as they have always done. The decision on deciding whether the concern meets the harm threshold or is deemed low level needs to be made by the Headteacher. Please see Appendix B for guidance when concerns are raised and about which route to take in relation to any actions needed. The Local Authority Designated Officer (LADO) can be contacted for advice on whether a concern or allegation raised meets the harm threshold.

Please also see Appendix A template to record any such low-level concerns. KCSiE states that, *"Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation."* The records cannot be kept on a member of staff's HR file or included in a reference unless any concerns are substantiated. There will need to be a separate file set up for concerns of this nature, obviously taking account of the guidance above.

The employee will be informed about the low-level concern and be supported and advised accordingly by the HR Manager.

11.0 GDPR Statement

For the purposes of Data Protection legislation, Hitchin Boys' School is the Data Controller. This means it oversees personal data about you please see our privacy notice for further details.

The school's HR team must ensure that allegations found to be false or malicious are removed from HR records.

Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our data protection policy which can be found on the school website.

Any data gathered during this process will be held in line with our records retention policy which can be found on our website.

If you have any questions about the way your data has been gathered or will be retained, please contact the School Data Protection Officer at dpo@hitchinboys.co.uk

12.0 Employee Assistance Programme (EAP)

HBS recognises that there may be a variety of problems or changes in an individual's life that could have a dramatic effect on them and, on occasions, impact on their attendance at work. To help employees, manage personal and work-related issues the school offers an independent, confidential, and free Employee Assistance Programme which can be accessed 24/7 by telephoning 0800 316 9337 or visiting: legalandgeneral.com/eap and using the access code BeWellEap

Appendix A

1. Low-level concern form

It may be possible that a member of staff, supply staff, volunteer or contractor, acts in a way that does not cause risk to children but is inappropriate. A member of staff who has a concern about another member of staff should use this low-level concern form to share any concern, no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt', that an adult may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- is a cause for concern but does not meet the threshold of harm or is not considered serious enough to refer to the LADO.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible.

Details of concern

Name of staff member:	Role:
Signed:	Date and time:

Action Taken: (Specify)

Signed:

Date and time:

Please note that low-level concerns will be treated in confidence as far as possible, but you may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.

Appendix B

Dealing with Allegations or Concerns about an Adult Working with Children

Allegation or concern raised about
a member of staff or adult

Does it meet the harm threshold? The harm threshold is met where it is alleged that an adult working (or volunteering) in the school has:

- Behaved in a way that has harmed a child, or may have harmed a child and/or
- Possibly committed a criminal offence against or related to a child 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 (see KCSIE Part 4)

You may wish to consider the questions in Box A below to help you decide the answer to this question.

- If **YES**, contact the LADO.
- If **NOT SURE**, contact the LADO.
- If **NO**, then record as a low-level concern and consider what action to take in response, taking advice from HR.

Box A

- How long has the adult or member of staff worked for you?
- Have there been any previous concerns raised?
- Is this a one-off or part of a pattern of behaviour?
- Has the member of staff previously been given advice in this area?
- Would an associated pattern of behaviour (if it exists) be seen by others? (how closely do they work with colleagues?)
- Might this have been a planned action or event?
- Could this behaviour be inadvertent? What is the likelihood of this?
- Could this be the precursor to more concerning behaviour?
- Did it occur in a private or a public place? Was this in school or out of school?
- If electronic devices are involved, have any relevant files been deleted and is there any evidence of this?
- If this relates to inappropriate language, what is the precise nature of the language used? How inappropriate is it? What was the context – where was this, and who were the listeners? Could this be seen as “banter” or might it have more serious undertones?