

# CIRENCESTER KINGSHILL SCHOOL

## ALLEGATIONS MANAGEMENT POLICY

### **Child Protection Procedures to deal with Allegations against Staff and Volunteers**

All schools have a duty to promote and safeguard the welfare of children in their settings.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in our education setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Thus, the procedures outlined in their policy will be followed alongside the school's complaints procedure and child protection policy.

All staff members are made aware of the Allegations Management Policy as part of their Induction package to Cirencester Kingshill School. As part of annual reminders on the first day of the Autumn term, the Headteacher will advise staff to revisit this policy to refresh their awareness and understanding. The Headteacher will also summarise the key points to staff. It is our policy that all allegations will be reported straight away, to the Headteacher, or to the Chair of Governors in cases where the Headteacher is absent or the subject of the allegation or concern.

This policy follows the Government guidance Keeping Children Safe in Education 2021, which sets out the framework for managing cases of allegations of abuse against people who work with children. This document also follows the guidance of the Gloucestershire Safeguarding Children Board for Allegations Management. Copies of all the documents referred to can be obtained from the Designated Safeguarding Lead (Mrs D Christopher) or Clerk to Governors (Mrs R Bryant).

The procedure documented in this policy must be followed in any case where there is an allegation made about any member of staff working at Cirencester Kingshill School and

- Allegations may meet the Harms Threshold
- Allegations that do not meet the Harms Threshold may be considered as a 'low level' concern as documented in Keeping Children Safe in education 2021 and subsequent procedure **followed**.
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For the purpose of this policy and procedure guidance, allegations that may meet the Harm Threshold are covered in **Part One** and those not meeting the Harm Threshold, referred to in KCSiE 2021 as 'low level concerns' are covered in **Part Two** of this document.

### **Part One**

#### **Purpose**

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. The school's complaints and child protection procedures will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a member of staff, including a volunteer has:

- Harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child in a way that indicated they may pose a risk of harm to children

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- ‘Grooming’, i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other ‘grooming’ behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / email messages or images, gifts, socialising etc);
- Possession of indecent electronic images or photography / pseudo-photographs of children.

If concerns arise about the person’s behaviour to her/his own children, the police and/or children’s social care must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person’s current employer or voluntary organisation or refer their family for assessment.

There may be up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children’s social care about whether a child is in need of protection or in need of services;
- consideration by the school of disciplinary action in respect of the individual.

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

- **Substantiated:** there is sufficient identifiable 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:** this is not the same as a false allegation. It means there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

### **Supporting Those Involved**

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. NB. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children’s social care, or the police as appropriate, will be consulted by the Chair of Governors to consider

what support the child or children involved may need. The Chair of Governors or Headteacher will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the Chair of Governors or Headteacher will also keep the individual informed about developments at school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. The 2011 Education Act introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school. These restrictions apply until the point that the accused person is charged with an offence. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved.
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process.
- If suspended, kept up to date about events in the workplace

### **Resignations**

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate.

In terms of Safeguarding, a settlement agreement or compromise agreement cannot be used.

### **Record Keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. The Headteacher has the responsibility to ensure that a record of the allegation and the outcome or the initial discussion with the LADO (Local Authority Designated Officer) or the outcome of any enquiry is included on the member of staff's personnel file (including a copy of the record of the initial discussion with the LADO).

“The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in criminal conviction and it will help prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should 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.” (Keeping Children Safe in Education 2016, point 171)

Complaints made directly to the police will be reported to the LADO as soon as possible and a decision about whether to hold a strategy discussion will be taken in the way described below under the heading Initial Considerations.

## **Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

## **Initial Considerations**

Any allegation should be reported straight away to the most senior member of staff (usually the Headteacher) provided they are not implicated in or a witness to the incident of concern. If the concern relates to the Headteacher the report should be made to the Chair of Governors.

The Local Authority Designated Officer (LADO) should be informed, by the Headteacher, of all allegations of abuse against staff on the same day, even where the police are contacted directly on 01452 426994 or 01452 583638.

**It is the responsibility of the Headteacher to ensure the immediate safety of the child or children in the care of the school.**

The Headteacher will inform the accused person about the allegation as soon as possible after consulting the Chair of Governors and the LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the Headteacher will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact that organisation at the outset

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Headteacher with the LADO and other appropriate agencies, such as the police and social services. The LADO will review the case fortnightly or monthly.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the Headteacher will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB. The police will be consulted about any case in which a criminal offence may have been committed.)

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

If the LADO and the Headteacher agree that it is clear an investigation by police and/or enquiries by social care is not necessary, no further action may be required or the issue will be dealt with internally by the school. Any appropriate action should be instituted within three working days. The reasoning for this decision and any advice given, will be recorded by the LADO and sent to the Headteacher, Social Work Team Manager and the Gloucestershire Police Child Protection Unit Inspector. Decisions relating to internal procedures are subject to time scales and the LADO will need to be informed of the outcome by the Headteacher.

## **Suspension**

Suspension will be considered in any case where there is cause to suspect a child is 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 will not be suspended automatically, or without careful thought.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

The power to suspend is vested in the Headteacher and the Governing Body. In the case of the Headteacher, the power to suspend is vested in the Chair of Governors. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

### **Allegations against staff in their personal lives**

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff's employer for further information, in order to assess the level of risk or harm; and / or
- Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

### **Action on Conclusion of a Case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Headteacher will determine with the LADO whether a referral to the DBS (Disclosure & Barring Service) is required, or advisable. The school must report to the DBS, any person (whether employed, contracted or a volunteer) whose services are no longer used because they think that 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. In the case of a member of teaching staff, the school should consider referring the matter to the TRA to consider prohibiting the individual from teaching.

**This report will be made within one month of the decision to cease using the services of that person.**

In cases where the governing body has decided on the conclusion of the case that a person who has been suspended can return to work, the governing body will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The school will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

At the conclusion of a case the Headteacher will review the circumstances to determine if there are any lessons that can be learned to prevent the risk of similar events occurring in the future. The school's procedures will be amended if this is required.

### **Action in Respect of Unsubstantiated or False Allegations**

**Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and**

**forward this to the designated senior manager of the employer to enable them to consider what further action, if any, should be taken.**

If an allegation is determined to be false, the Headteacher will refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

A support and risk assessment should also be carried out by an appropriate professional.

***THIS POLICY SHOULD BE READ IN CONJUNCTION WITH THE E-SAFETY POLICY, SAFEGUARDING CHILDREN WHISTLEBLOWING POLICY AND THE CHILD PROTECTION POLICY.***

## **Part Two**

### **Concerns that do not meet the Harms Threshold**

This part of the policy details the process for dealing with concerns that do not meet the Harm Threshold as detailed in Part One of this document.

As part of our safeguarding approach, we wish to promote an "open and transparent" culture where all concerns are dealt with promptly and appropriately. This will in turn enable school to identify "concerning, problematic or inappropriate behaviour early; minimise the risk of abuse and ensure that adults ... are clear about professional boundaries and act within these boundaries ... in accordance with the ethos and values" of Cirencester Kingshill School. (KCSiE 2021, para 408)

Such concerns may arise in a number of ways and be reported by different sources. For example, suspicion; complaint or disclosure made by a child, parent or other adult within or outside of the school.

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

The term low level concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold as set out in paragraph 338. (These details can be found under the heading Purpose in Part One of this policy). 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 school may have acted in a way that:

- Is inconsistent with the staff code of conduct
- Does not meet the allegations threshold or is otherwise not considered serious enough to refer to the LADO.

Examples of such behaviour may include:

- Being over friendly with pupils
- Having favourites
- Taking photos of pupils on their mobile phone
- Engaging with a pupil on a one to one basis behind a closed door
- Using inappropriate language

Once incidents are reported they should be addressed on a case by case basis with consideration given to the context, experience and training of the member of staff. Information should be shared appropriately and with either the DSL, Headteacher or Chair of Governors.

### **Process for reporting low level concerns**

Any individual witnessing such concerns should report this to the DSL or Deputy DSL or Headteacher. If the concerns is related to a supply teacher, the individual's employer should also be notified.

Recording low level concerns

Such reports should include:

- The details of the behaviour/concern. This should include chronological, concise details
- The context of the incident
- Details of the individual raising the concern
- The record should be signed, timed and dated

These records will be kept confidentially and secure in line with Data Protection and GDPR.

These records will be regularly reviewed in order for any potential patterns of behaviour to be identified. Records of low level concerns will be retained until the individual leaves the school.

**Responding to low level concerns**

These should be responded to in a “sensitive” and “proportionate” way.

In most cases a conversation with the individual will suffice.

The DSL or Headteacher should:

- Collect as much information as possible in relation to the concern raised
- Speak directly to the person raising the concerns
- Speak to the individual involved and any witnesses

The purpose of this is to clarify the behaviour and the context of the incident.

The DSL or Headteacher will then review and check if the detail meets the ‘Harm Threshold’ or not. The LADO can be contacted for advice if deemed necessary. If the decision is clear, the DSL or Headteacher should record any actions taken and the rationale for any decision/actions taken.

# CIRENCESTER KINGSHILL SCHOOL

## ALLEGATIONS MANAGEMENT POLICY

Reviewed by D Christopher March 2022 (Date)

Adopted by Governors \_\_\_\_\_ (Sign)  
(Date)

Review date April 2023