

Victoria Academies Trust

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

Adopted: October 2021

Review date: October 2024

Introduction

Victoria Academies Trust is committed to providing the highest level of care for both its 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 schools are 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 or concern. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, pupils and parents or 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 as efficiently as possible.

We hope that having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the headteacher immediately or to the chair of Academy Council where the headteacher is the subject of an allegation. 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 central trust staff, 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 **complaints policy** and the school **child protection and safeguarding policy**.

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 or trust has:

- behaved in a way that has 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.
- 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 /work 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, supply staff, contractors and volunteers should be reported immediately to the headteacher. Complaints about the headteacher/ member of trust staff should be reported to the CEO/Directors of Schools who will then contact the LADO. The headteacher/Director of Schools/CEO will then act as the case manager.

Staff who are concerned about the conduct of a colleague towards a pupil 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, the headteacher or relevant member of senior trust staff will consider two aspects:

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

In each case, headteacher or relevant member of senior trust staff 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, headteacher or relevant member of senior trust staff will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation, the headteacher or relevant member of senior trust staff will contact the designated officer at the appropriate 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 school/ trust will share available information with the LADO 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

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

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

In no circumstances would the school/trust cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst Victoria Academies 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 parents/carers

Parents and carers will be notified if their child makes or is involved in an allegation against 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 parents. There will be a staff member designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible. Parents 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 in confidence.

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

The trust **whistleblowing policy allows** staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

The employee

Victoria Academies Trust has a duty of care to its employees and will take steps to minimise the stress of any allegation and the investigation 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.

An appropriate named representative of the school/ trust will keep the employee informed of the progress of the case and any other work-related issues.

The employee will be advised to contact their trade union representative, or a colleague for support. The employee may need additional support and the school will consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

Where an allegation is made against a member of supply staff, the supply agency should provide additional support to that member of staff.

Confidentiality

The school/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 school/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 employer (Victoria Academies Trust) holds the power to suspend an employee but will listen to the views of the police and or social care regarding suspension.

The trust has no authority or power to suspend a member of supply staff where an allegation is made against them. Instead, the school/trust immediately will cease to use the services of that member of supply 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 school 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 and every effort will be made to reach a conclusion, with or without the employee's cooperation. The employee will be given full opportunity to answer the allegations.

Record keeping

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

For all other allegations, the following information will be kept in the employee's personnel 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.

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 pupil will be kept in the confidential section of their record.

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, the supply staff member's services or the contractor's services as a result of the allegation, the school 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 school after a suspension, then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial 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 supply staff or a contractor, 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 headteacher/member of the trust team may refer to social services to determine whether the child needs support or has been abused by someone else.

The school's **behaviour policy** sets out the disciplinary action that may be taken against pupils who are found to have made malicious allegations against school staff. The headteacher may consult the school governors when considering what action to take.

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

After the case

No matter what the outcome is of an allegation of abuse against staff, including supply staff, the school 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 school/ trust 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

Purpose

The procedure for dealing with low level concerns raised in relation to teachers, any other members of staff, including central trust staff, 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 school's **own low level concerns policy, trust complaints policy, school child protection and safeguarding policy and trust staff discipline, conduct and grievance policy.**

Victoria Academies 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 trust 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;
- 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.

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 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 trust/school staff, supply staff, contractors and volunteers should be reported immediately to the headteacher (or member of the trust executive team if this relates to the headteacher).

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 member of trust staff (as appropriate) will make this determination once the staff member has reported the issue.

Responding to low-level concerns

The headteacher or member of the trust executive team 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 member of the trust executive team will (as appropriate) will discuss the concern with the LADO to determine whether it should be dealt with under part one of this policy.

The headteacher or member of the trust executive team will (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.

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.

A template form is attached as Appendix (i) to this policy

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

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.

Appendix (i)

| Low Level Concern Form | |
|---|--|
| Name of person reporting concern | |
| Role | |
| Date/time of completing form | |
| Details of individual whom the concern is about | |
| Name | |
| Role | |
| Details of concern | |
| <p><i>Please include as much detail as possible – What behaviour/incident are you reporting? What exactly happened? Why does the behaviour/incident concern you? Why do you believe the behaviour/incident is not consistent with our Staff Conduct Policy?</i></p> | |
| | |

| | |
|---|--|
| | |
| Details of any children involved | |
| Name | |
| For use by HT/DHT upon receipt of concern | |
| Date/time concern received | |
| Signature | |
| Role | |
| Action taken and follow-up | |