



All Saints Catholic High School

Allegations Management Policy

"We will provide a Christian Education for all pupils based on the teachings of Jesus and the Spirit of the Gospels. The whole life of the school will be determined by the Gospel Values of Love and Justice. We will always value and care for all members of the All Saints Community according to their needs, and will affirm and nurture the development of all"

School Mission Statement

Date Reviewed: September 2021

Next Review Date: September 2022

Introduction

All schools and education settings have a duty to promote and safeguard the welfare of children who are students. All staff members in the school are made aware of this policy as part of their induction. As part of the annual safeguarding training, staff will be asked to revisit this policy and refresh their awareness and understanding of it.

The procedure documented within this policy must be followed in any case where there is an allegation made about a teacher, supply staff, other member of staff, volunteer or contractors at the school, and may meet the Harm Threshold or is a 'low-level' concern.

How Concerns Arise

Concerns about possible abuse of children by staff will usually arise in one of two ways, either:

- A direct allegation by a pupil or third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case the concern must be recorded and reported to the headteacher immediately, unless the allegations are about the headteacher in which case, it must be reported to the chair of governors (jthornhill@allsaintschs.org.uk). If the headteacher is absent the allegation should be reported to the teacher in charge.

As this is a **statutory duty**, it is expected that all members of staff in school, where they have concerns, will report them in accordance with this policy. If a child has been harmed, the school's child protection procedures should be followed and a referral made into Knowsley's Multi-Agency Safeguarding Hub (MASH).

Once an allegation has been made the Allegations Management Process should be followed. (See Allegations Management Process Flow Chart - **Appendix 1**)

Allegations that Meet the Harm Threshold

Governing bodies and proprietors should ensure there are procedures in place to manage concerns/allegations against staff (including volunteers) that might indicate they would pose a risk of harm to children ([The Harm Test](#)).

- 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; or
- Behaved towards a child or children in a way that indicates he or she would 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

Para. 388 - Keeping Children Safe in Education, September 2021

** This includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children; this is known as **Transferable Risk**. Where appropriate an assessment of transferable risk with whom the person works should be undertaken. If in doubt, seek advice from Local Authority Designated Officer (LADO).*

Initial Action

Should the school identify that a child has been harmed or that there may be an immediate risk of harm, or if the situation is an emergency, they should contact children's social care via Knowsley Multi-Agency Safeguarding Hub (MASH) and as appropriate the Knowsley Vulnerable Persons Unit (VPU) in the police immediately.

The headteacher or chair of governors will ensure that they give consideration to:

- **Looking after the welfare of the child** – The Designated Safeguarding Lead (DSL) will be responsible for ensuring the child is not at risk and referring cases of suspected abuse to Knowsley MASH.
- **Investigating and supporting the individual subject to the allegation** – The headteacher or chair of governors should discuss the case with the LADO, including the nature, content and context of the allegation and agree a course of action.

In order to proceed, the headteacher or chair of governors will ensure that they have a full understanding of the nature of the allegation made by a member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

The procedures for dealing with allegations need to be applied with common sense and judgement. Allegations need to be dealt with quickly, fairly and consistently. Many cases may well either not meet the criteria set out, or may do so without warranting consideration of either the police or children's social care.

As part of the Service Level Agreement (SLA) they may choose to seek advice and support from the Local Authority Education Safeguarding Officer.

No one in the school should investigate the incident; interviewing either, those directly involved or any witnesses, as this could jeopardise any future police investigation and potentially prejudice a fair hearing at a later date.

The headteacher or chair of governors will simply establish that:

- An allegation has been made
- Who was involved – including their full name, address and date of birth
- If the individual was in school at the time of the allegation
- If the individual did or could have come into contact with the child
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- If there were any witnesses / CCTV footage

The matter will not be discussed with the person who is the subject of the allegation at this stage; advice should be sought from LADO first.

This information can be recorded on the template initial record of concern sheet (See **Appendix 2**).

Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Where the headteacher or chair of governors is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the DSL and make a risk assessment of the situation. It may be necessary for the DSL to make an additional referral into Knowsley MASH in regards to these children.

Consultation and Referral

Once the nature of the allegation has been established the headteacher or chair of governors (case manager) should determine if it meets any of the criteria set out in Section 3 above. If so, the case manager should immediately discuss the allegation with the Local Authority Designated Officer (LADO) on the same day.

In Knowsley the LADO can be contacted on **07766780354** or email CPconference@knowlsey.gov.uk.

It is important to ensure any allegation is taken seriously and advice can be sought by contacting the Education Safeguarding Officer with further support available via the school's safeguarding SLA.

If it is unclear whether the thresholds for referral into the LADO process has been reached the case manager can consult with the LADO before a formal referral is made.

At this stage, advice should be sought from the LADO with regards to informing the person subject to the allegation that an allegation has been made.

Initial Consideration Of The Allegation

The purpose of the initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree on a course of action. This will include a discussion to determine whether police involvement is necessary. The discussion may establish that the allegation is not demonstrably false or unfounded.

If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Para. 348 - Keeping Children Safe in Education, September 2021

Further information about the use of reasonable force can be found at Paragraph 150 in Part 2 of KCSIE and <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

If the parents/carers of the child concerned are not already aware of the allegation the LADO will also discuss how and by whom they should be informed.

There may be some circumstances where the school may advise the parents/carers of an incident involving their child straight away, for example, if the child has been injured while at school or in a school related activity, and requires medical treatment.

The case manager will usually inform the individual who is subject to the allegation as soon as possible after consulting with the LADO. However, where a strategy discussion is needed, the decision to inform the individual will be deferred until after consultation with children's social care and the police has taken place, and there is agreement about what information can be disclosed to the person. Once the individual has been informed of the allegation, and if they are a member of a union or a professional association they will be advised to contact that organisation.

Strategy Meeting / Evaluation with the Police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to the LADO and in accordance with *'Working Together to Safeguard Children 2019'*, a meeting and strategy discussion will be convened.

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

- A police investigation of a possible criminal offence
- Enquiries and assessment under Section 47 of the Children Act 1989 if a child is in need of protection or under Section 17 of the Children Act 1989 if the child appears to be in need of services
- Consideration by the employer of disciplinary action in respect of the individual

The case manager will attend any strategy meeting, unless there are good reasons not to do so, and will provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

Suspension

An assessment of the possible risk of harm to children posed by the individual who is subject to the allegation must be undertaken and managed. This should be considered in relation to the child or children involved in the allegation, and any other children in the individual's home, work or community life. 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.

Suspension will be considered in any case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation is so serious that it might be grounds for dismissal

The case manager will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer. The case manager will consider the advice given and any risk assessments.

Based on assessments of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- Redeployment within the school or college so that the individual does not have direct contact with the child or children
- Providing an assistant to be present when the individual has contact with children
- Redeploy to alternative work in the school or college so the individual does not have unsupervised access to children

- Moving the child or children to classes where they will not come into contact with the member of staff but this decision should only be made if it is in the best interests of the child or children and takes account of their views, making it clear that this is not a punishment and parents have been consulted; or
- Temporarily redeploying the member of staff to another role in a different location for example to an alternative school or college or work for the local authority or academy trust.

Para. 364 - Keeping Children Safe in Education, September 2021

Such alternatives allow time for an informed decision regarding moves to suspension; however, this will depend on the nature of the allegation.

In cases where suspension is considered necessary, the case manager will:

- Record the rationale and justification for such action
- Record what alternatives to suspension were considered and why they were rejected
- Give written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension
- Ensure the individual who has been suspended is fully supported, including contact details of their named contact within school.

Action where the Police or Local Authority Investigation IS NOT Necessary

The case manager will discuss the next steps with the LADO if the complaint or allegation is such that:

- It is clear that a criminal and/or child protection enquiries are not necessary, or
- The strategy discussion or initial evaluation decides that is the case.

In such circumstances the options open depend on the nature and the circumstances of the allegation and the evidence and information available. The possible outcome will range from taking no further action to conducting formal disciplinary action that could lead to dismissal or a lesser formal warning.

Action where the Police or Local Authority Investigation IS Necessary

The police or Crown Prosecution Service (CPS) should inform the case manager and LADO straight away if:

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

In those circumstances the LADO will discuss in conjunction with the case manager and H.R. representatives whether any further action, including disciplinary action is appropriate and, if so, how to proceed.

Supporting Those Involved

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. The case manager should inform the individual who is subject to the allegation as soon as possible, explaining the likely course of action, and advise them to contact their trade union representative or a colleague for support. The case manager should also appoint a named

representative to keep the individual informed of the progress of the case and consider what other support is appropriate for the individual.

Access to counselling or medical advice should be offered where appropriate and support via Knowsley's Occupational Health Services. The individual should not be prevented from having social contact with work colleagues and friends when they are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Parents or carers of the child or children involved should be formally told about the allegation as soon as possible. The case manager should consult the LADO, and where involved children's social care and/or the police, on what information can be disclosed. They should be kept informed about the progress of the case but only in relation to their child; no information can be shared regarding the staff member.

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, should consider what support the child or children involved may need.

Confidentiality and Information Sharing

In order to manage an allegation made against a member of staff effectively, the agencies involved should share all relevant information they have about the individual who is subject to the allegation, as well as about the alleged victim.

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Parents and carers should also be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (see paragraphs 378-380).

Para. 371 - Keeping Children Safe in Education, September 2021

No one in the school may 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. No one in the school may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

Para. 378 - Keeping Children Safe in Education, September 2021

The case manager should take advice from the designated officer, police and children's 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 if, and when, it should arise.

Para. 380 - Keeping Children Safe in Education, September 2021

Following the outcome of any criminal case, the case manager from school may wish to seek advice from the LA Communications Team in order to manage any media coverage at this time.

Allegations Outcomes

There are five defined terms that should be used when determining the outcome of allegation investigations.

- **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.

Para. 381 - Keeping Children Safe in Education, September 2021

If the allegation is substantiated and the person is dismissed, resigns, or otherwise ceases to provide their services, or the school ceases to use the person's services; the employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and believe the individual has:

- engaged in relevant conduct in relation to children and/or adults;
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Para. 329 - Keeping Children Safe in Education, September 2021

If the substantiated allegation is in relation to a member of teaching staff, the case manager must consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

Following a police investigation or a prosecution the police should inform the LADO immediately of the outcome. The LADO will then discuss with the case manager whether any further action, including disciplinary action is appropriate, and if so how to proceed. Information provided by the police should also be used to inform the decision.

Resignations and Settlement Agreements

Where a person under investigation tenders their resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with the guidance.

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 which the person concerned refused to cooperate with the process.

The school will not enter into "settlement agreements" (sometimes known as compromise agreements) by which if a person agrees to resign, the school agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.

Record Keeping

If anyone in the school has any concerns regarding the behaviour or conduct of a member of staff, they must record and report the information to the headteacher or chair of governors.

The headteacher/chair of governors will ensure that the following information is kept on a person's confidential personnel file and a copy is also provided to the person concerned:

- A clear and comprehensive summary of any allegations made (**see Appendix 2**)
- Details of how the allegation was followed up and resolved
- A note of any action taken and decisions reached
- A declaration on whether the information will be referred to in any future reference

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation resurfaces after a period of time.

At the conclusion of the investigation, if the person under investigation is exonerated, the school will write to the person confirming this, and send a copy to the LADO and place a copy on the person's personnel file.

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references.

Details of allegations that are found to have been malicious should be removed from the personnel records, unless the individual gives their consent for retention of the information.

Oversight and Monitoring

The school will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations.

The school will cooperate in supplying statistical information required by the LADO for DfE returns and Local Safeguarding Children Board monitoring purposes.

Action on the Conclusion of the Case

In cases where it is concluded that the person who has been suspended can return to work, the school will consider how best to facilitate this. Guidance and advice are usually provided via Human Resources or the LADO. Most people will benefit from some help and support to return to work after a 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 case manager should 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.

Actions in Respect of Malicious Allegations

In the rare 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 person who made it, if they are part of the school community.

The case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

The police will be asked to consider whether any action might be appropriate against the person responsible if they are outside the school community

Allegations Concerning Staff not Directly Employed by The School

In some cases, the school will need to consider an allegation against an individual, not directly employed by them, and where the school disciplinary procedures do not fully apply. For example, supply teachers provided by an employment agency or business. In these cases, the school should ensure that although not the employer, all allegations are dealt with properly.

In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Governing bodies and proprietors should discuss with the agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Para. 357 - Keeping Children Safe in Education, September 2021

In managing allegations made against supply staff the following should be considered;

- Agencies should be fully involved and co-operate in any enquiries from the LADO, police or children's social care.

- The school will usually take the lead as they have direct access to children or other school staff.
- Supply staff, although not employed by the school, are under the supervision, direction and control of the governing body when working in a school.
- Supply staff should be advised to contact their trade union representative if they have one, or a colleague for support.
- The allegations management meeting, which is often arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

It is imperative that when using an agency, the school should inform the agency of its process for managing allegations. This may also include inviting the agency's human resource manager or equivalent to meetings so they can be kept up to date with information about its policies.

Concerns that Do Not Meet the Harm Threshold

The aim of addressing concerns that do not meet the harm is to encourage an open and transparent culture in school where early identification of inappropriate, problematic and concerning behaviour can be addressed in order to minimise the risk and opportunity of abuse. 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 organisation or as a result of vetting checks undertaken. Keeping Children Safe in Education 2021 refers to these incidents as '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 threshold set out at paragraph 338. 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.

Para. 409 - Keeping Children Safe in Education, September 2021

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

- being over friendly with children;
- having favourites;
- 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.

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

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly with the right person, and recorded and dealt with appropriately. Ensuring they are dealt

with effectively should also protect those working in or on behalf of the school from potential false allegations or misunderstandings.

Process For Reporting 'low-Level' Concerns

Behaviour which is not consistent with the standards and values of the school and does not meet the expectations set out in the Staff Code of Conduct can lead to 'low-level' concerns. Such incidents should be reported by the individual witnessing them to the headteacher. If the concern is in relation to a supply teacher or contractor, once the concern has been reported to the headteacher, the individual's employer should also be notified.

School encourages an environment where staff feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Recording 'low-Level' Concerns

Reports of 'low-level' concerns should be recorded and include:

- The details of the behaviour/concern, including chronological and concise details which are as precise and accurate as possible.
- The context in which the behaviour/concern took place.
- Details of the individual reporting the concern (unless they wish to remain anonymous).
- The signature of the person who has recorded the concern, time and date.

These records will be kept confidential and secure in line with the Data Protection Act 2018 and GDPR.

These records should be regularly reviewed in order for potential patterns of concerning, problematic or inappropriate behaviour to be identified. If patterns of concerning behaviour are identified, the Head Teacher and the Designated Safeguarding Lead will decide on the course of action, either through the school's disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO.

Consideration should also be given to whether there are wider cultural issues within the school or college 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.

Responding to 'low-Level' Concerns

Low-Level concerns should be responded to in a sensitive and proportionate way; maintaining confidence that when such concerns are raised, they will be handled promptly and effectively whilst protecting staff from any false allegations or misunderstandings.

When a report of 'low-level' concerns is received, the headteacher should:

- Collect as much information as possible relating to the concern raised.
- Speak directly to the person raising the concern, if possible.
- Speak to the individual involved and any witnesses.

Incidents should be addressed on a case by case basis with consideration given to the context, experience and training of the member of staff. In most cases low-level concerns will simply require a conversation with the individual about whom the concerns have been raised. The most useful approach is one that is values based, for example:

"I am sure you subscribe to our school values, so help me understand how you came to behave in a way which is not in keeping with those, so that we can understand what actions or support you might need so that we can both be confident that it will not happen again..."

The headteacher will then review and categorise the behaviour, checking to see if it meets the 'Harm Threshold' or not. If the headteacher is in any doubt as to whether the Harm Threshold is met, the Knowsley Education Safeguarding Officer or LADO will be contacted for further advice.

If it is clear the behaviour **does not** meet the Harm Threshold, consideration should be given regarding the actions to be taken. The headteacher should:

- Record all conversations including advice given if the Knowsley Education Safeguarding Officer or LADO have been contacted.
- Record any actions to be taken following the report of the 'low-level' concern.
- Record the rationale for any decisions/actions taken.

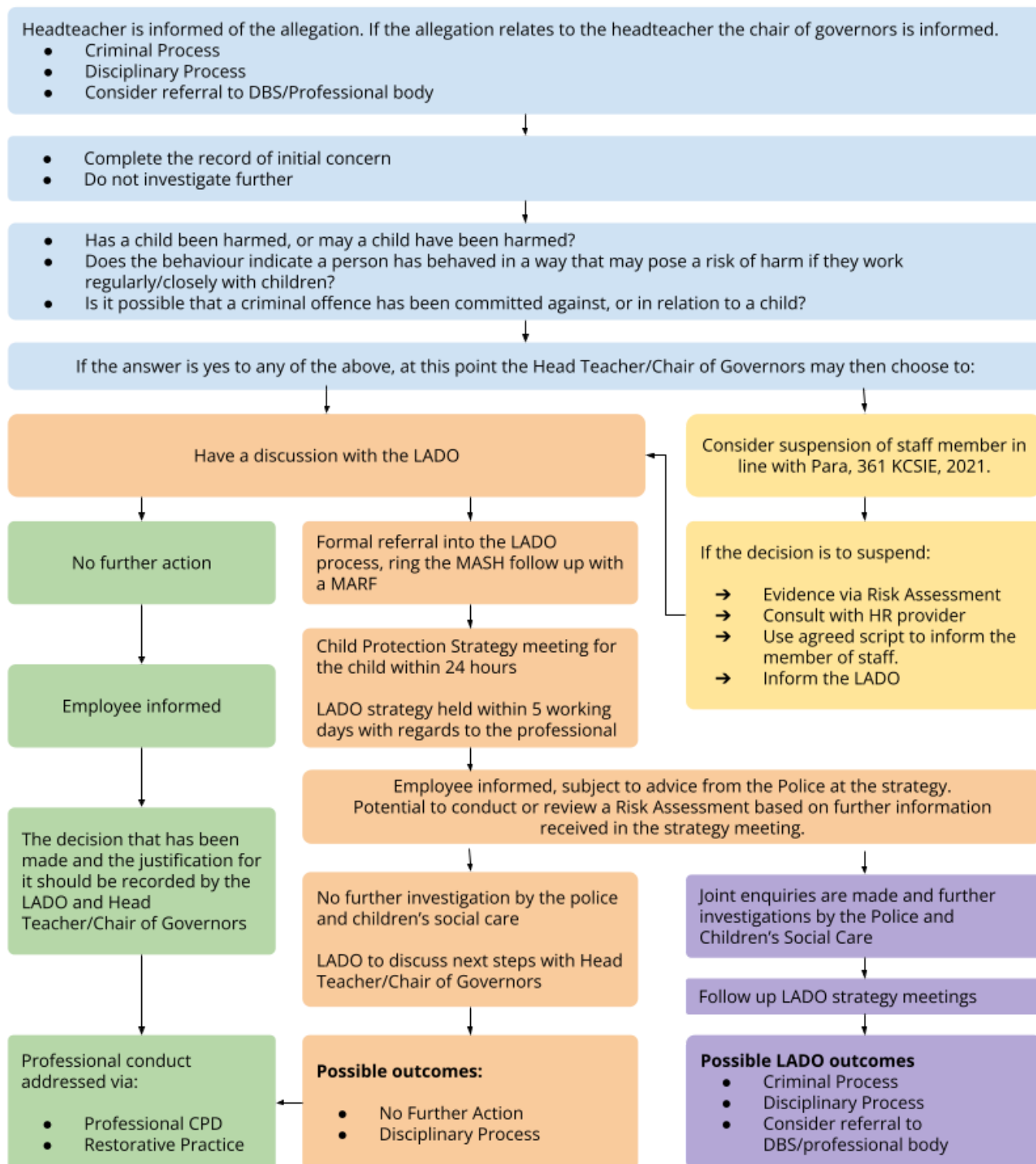
Next Steps

The process of reporting 'low-level' concerns is included in the induction of all new staff into the school. All staff will also annually revisit the following:

- Staff Code of Conduct
- Whistle Blowing procedures
- The process of reporting concerns about adults who work with children, including the process for reporting 'low level' concerns.

In addition, the headteacher will regularly inform the Governing Body about the implementation of the low-level concerns reporting process and any evidence of its effectiveness. The Governing Body may also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

Allegations Management Process



Allegations Against Staff - Record of Initial Concern

All Saints Catholic High School	
Name of Head Teacher or Chair of Governors	
Date of incident	
Date Reported	

Information about the member of staff against whom the allegation has been made:	
Name	
Role/Position in school and length of service	
DOB	
Home Address	
Telephone Number	
Details of any children who may reside in the same home as this person	
Details of any previous concerns/conduct issues/allegations	

Information about the pupil(s) concerned. (Complete a separate document for each pupil)	
Name	
Year Group	
DOB	
Home Address	
Telephone Number	

Information about the person reporting the concern	
Name	
Role /Position in school	
Telephone Number	

Nature of the Allegation

Has a child been harmed, or may a child have been harmed?

Does the behaviour indicate a person has behaved in a way that may pose a risk of harm if they work regularly/closely with children?

Is it possible that a criminal offence has been committed against, or in relation to a child?

If you have answered yes to any of the above please seek further advice from the LADO (Local Authority Designated Officer)

Please record below the decision and rational following the discussion with LADO and personnel advisor