

Greig City Academy



Statement of procedures for dealing with allegations of abuse against staff October 2024

“Show by a good life that your works are
done by gentleness born of wisdom.”

James 3:13

The Governing Body approved this statement on October 15, 2024.
It will be reviewed in October 2025.

The statement is published on the Academy's website www.greigcityacademy.co.uk and is
available on request to the Exec. PA and HR Manager, Ms V. Oxley, in the following formats:
e-mail, enlarged print version, others by arrangement.

1. Introduction

- 1.1 The Academy has an absolute duty to promote and safeguard the welfare of children in the school, and to have regard to guidance issued by the Secretary of State in doing so. The Academy takes this responsibility seriously and will ensure that any allegation of abuse made against a teacher or other member of staff, volunteer or contractor is dealt with in a fair and consistent way, which provides effective child protection while also supporting the individual who is the subject of the allegation, and in accordance with the guidance detailed in 'Keeping Children Safe in Education' (KCSIE 2024).
- 1.2 All members of staff will be provided with a copy of this policy during induction and annually, as part of safeguarding training.

2. How concerns arise

- 2.1 Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:
- a direct allegation by a pupil or a third party, for example a parent; or
 - an observation by a member of staff that the behaviour of a colleague is inappropriate, or potentially or actually abusive.
- 2.2 In either case the concern must be recorded and reported to the Principal immediately, unless the allegations are about the Principal, in which case it must be reported to the Chair of the Governing Body.
- 2.3 As this is a statutory duty, we expect all members of staff who have such concerns to report them in accordance with this policy.

3. Allegations that may meet the harm threshold

- 3.1 This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, 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 they 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
- 3.2 The last bullet point above includes behaviour that may have happened outside of school or college, and that might make an individual unsuitable to work with children. This is known as transferable risk.
- 3.3 A case manager – the Principal/his delegate (or the Chair of the Governing Body where the Principal is the subject of the allegation) – will lead the investigation. If in any doubt as to whether a concern meets the harm threshold, the case manager will consult the local authority designated officer (LADO).

Suspension of the person against whom the allegation is made until the case is resolved

- 3.4 Suspension of the person against whom the allegation is made will not be the default position and will only be considered in cases where there is reason to suspect that a child/children are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will suspend an individual only if we have considered all other options available and there is no reasonable alternative.
- 3.5 Based on an assessment of risk, we will consider alternatives such as:
- redeployment within the school so that the individual does not have direct contact with the child or children concerned
 - redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
 - moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- 3.6 If in doubt, the case manager will seek views from the LDBS personnel advisor and the LADO, as well as the police and children's social care where they have been involved.

Procedure for dealing with allegations

- 3.7 In the event of an allegation that meets the criteria in 3.1, the case manager will take the following steps:
- Conduct basic enquiries in line with local procedures to establish the facts and to help determine whether there is any foundation to the allegation before carrying on with the steps below. Examples include: was the individual in school at the time cited in the allegation; are there witnesses/CCTV footage? Care should be taken not to jeopardise any future police investigation.
 - Discuss the allegation with the LADO. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the LADO – for example, if the accused individual is considered to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.)
 - Inform the individual against whom the allegation has been made of the concerns/allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
 - Where appropriate, carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
 - Where the case manager is concerned about the welfare of other children in the school or the child's family, they will discuss these concerns with the Designated Safeguarding

Lead (DSL) and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.

- **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual within one working day, and they will be given a named contact at the school and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate investigatory action in school and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named contact at the Academy to keep them informed of the progress of the case and considering what other support is appropriate.
- Provide access to counselling services and/or medical advice and, if the person is a member of a union or professional association, they should be advised to contact that body at the outset.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against members of staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their own child – no information will be shared regarding the staff member).
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child. This is a legal requirement.

3.8 If the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we will immediately suspend that person from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

3.9 Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Additional considerations for supply teachers and all contracted staff

- 3.10 If there are concerns or if an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.
- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
 - The case manager will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
 - We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
 - We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).
- 3.11 When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Possible allegation outcomes

- 3.12 The following definitions will be used when determining the outcome of any investigation:

Substantiated: there is sufficient evidence to prove the allegation

False: there is sufficient evidence to disprove the allegation

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

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

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation

Timescales

- 3.13 We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:
- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within one week
 - If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within three working days following the outcome of the investigation
 - If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days following the outcome of the investigation
- 3.14 However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Action where the allegation is substantiated

- 3.15 An act of child abuse is a serious breach of contractual terms, constituting gross misconduct. If the outcome of a disciplinary hearing regarding an allegation of child abuse is that the allegation is substantiated and the act/behaviour constitutes gross misconduct, the subject of the allegation will be dismissed or, in the case of a supply teacher, volunteer or contractor, a decision will be made to cease the use of the services of the individual concerned. However, see the school's disciplinary procedures regarding the right of appeal.
- 3.16 If a disciplinary hearing has been postponed to allow a criminal investigation to be held, the police should inform the case manager and the LADO immediately when:
- the investigation and any subsequent trial are complete
 - it is decided to close an investigation without charge, or
 - it is decided not to continue to prosecute after the person has been charged
- 3.17 In these circumstances, the case manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.
- 3.18 When an individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the Disclosure and Barring Service (DBS) for consideration as to whether inclusion on the barred lists is required if it is believed 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
- 3.19 If the school or a supply teacher's employer/agency dismisses or ceases to use the services of a teacher because of serious misconduct or might have dismissed or ceased to use their services, had they not left first, the school will consider whether to refer the matter to the Teaching Regulation Agency, as required by sections 141D and 141E of the Education Act 2002, to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

- 3.20 If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.
- 3.21 The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation if they are still attending the school.

Unsubstantiated, unfounded, false or malicious reports/allegations

- 3.22 If a report is:
- found to be unsubstantiated, unfounded or false, the DSL will consider the appropriate next steps. If they consider that the child who made the allegation is in need of help, or they have been abused by someone else and the allegation may have been a cry for help, a referral to children's social care may be appropriate
 - shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it, as per the school's staff code of conduct/behaviour policy

Confidentiality and information sharing

- 3.23 The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- 3.24 The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:
- who needs to know about the allegation and what information can be shared
 - how to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
 - what, if any, information can be reasonably given to the wider community to reduce speculation
 - how to manage press interest if, and when, it arises

Record-keeping

- 3.25 The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.
- 3.26 The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on file).
- 3.27 For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:
- A clear and comprehensive summary of the allegation
 - Details of how the allegation was followed up and resolved
 - Notes of any action taken, decisions reached and the outcome
 - A declaration on whether the information will be referred to in any future reference
- 3.28 In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.
- 3.29 Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

References

- 3.30 When providing employer references, we will:
- not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
 - include substantiated allegations, provided that the information is factual and does not include opinions

Learning lessons

- 3.31 After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the LADO to determine whether there are any improvements

that we can make to the school's procedures or practice to help prevent similar events in the future.

3.32 This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

3.33 For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

Non-recent allegations

3.34 Abuse can be reported no matter how long ago it happened.

3.35 We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

3.36 Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

4. Concerns that do not meet the harm threshold

4.1 This section applies to all concerns (including allegations) about adults working in the school, including members of the school staff, supply teachers, volunteers and contractors, which do not meet the harm threshold set out in paragraph 3.1 above.

4.2 The term 'low-level' concern does not mean that the concern is insignificant, rather it is any concern – no matter how small – that an adult working in or on behalf of the school 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

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

- being overly friendly with children
- having favourites
- taking photographs of children on a personal mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate, sexualized, intimidating, humiliating or offensive language
- contacting a child on a personal mobile phone, by personal email or on social media, contrary to school policy

4.4 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.

4.5 Concerns may arise in several ways and from a number of sources, for example:

- suspicion
- complaint
- safeguarding concern or allegation from another member of staff
- disclosure made by a child, parent or other adult within or outside the school
- pre-employment vetting checks

Sharing low-level concerns

- 4.6 We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to **confidentially share** low-level concerns with the right person so that they can be recorded and dealt with appropriately. Ensuring they are dealt with effectively will also protect those working in, or on behalf of, the school, from becoming the subject of potential false low-level concerns or misunderstandings.
- 4.7 We aim to create such a culture by
- ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others (see staff code of conduct)
 - making it clear what a low-level concern is and the importance of sharing concerns – through the staff code of conduct, safeguarding training, regular safeguarding updates
 - addressing unprofessional behaviour and supporting the individual to correct it at an early stage
 - empowering staff to share any low-level concerns they may have
 - empowering staff to self-refer, for example where they have found themselves in a situation which could be misinterpreted
 - providing a responsive, sensitive and proportionate handling of such concerns when they are raised
 - identifying and addressing any weakness in the school's safeguarding system
- 4.8 Staff should share low-level concerns with the Principal who is the ultimate decision maker in respect of all such concerns. However, depending on the nature of the concern, he may wish to consult with the Designated Safeguarding Lead or other relevant members of staff.
- 4.9 Low-level concerns shared about supply staff and contractors will be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

Responding to low-level concerns

- 4.10 If the concern is raised via a third party, the Principal/his delegate will collect evidence, where necessary, by speaking:
- to the person who raised the concern, unless it has been raised anonymously
 - to the individual about whom the concern has been raised and any witnesses
- 4.11 The Principal/his delegate will use the information collected to determine any further action, in line with the school's staff code of conduct and, if appropriate, capability or disciplinary procedures.

- 4.12 If there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, the Principal will consult the LADO before making a decision on action.

Record keeping

- 4.13 All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken. The name of the individual sharing their concerns should also be noted. If that individual wishes to remain anonymous this should be respected as far as reasonably possible.
- 4.14 Records will be:
- kept confidential, held securely in a central file, with other safeguarding and child protection records, in compliance with the Data Protection Act 2018 and UK GDPR. In this way, records can be more effectively reviewed to identify patterns.
 - reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Principal will decide on a course of action, either through the school's disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harm threshold it will be referred to the LADO.
 - retained at least until the individual leaves employment at the school.

References

- 4.15 We will not include low-level concerns in references unless:
- The concern/concerns have met the threshold for referral to the LADO and are found to be substantiated; and/or
 - The concern/concerns relate to issues which would ordinarily be included in a reference, such as misconduct or poor performance

5. Review of this statement

- 5.1 This statement will be reviewed annually by the DSL and Senior Leadership Team and will be approved by the Governing Body.