



# Safeguarding concerns and allegations made about staff, supply staff, contractors and volunteers

Beam County Primary School

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Date:

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## Introduction

Beam County School is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any safeguarding concerns and allegations made about a teacher, any other member of staff, including supply staff, contractors or volunteers in our school 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 safeguarding concerns and allegations 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.

This policy is in two parts. The first part deals with allegations made against teachers, any other members of staff, including 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 school's **complaints policy** and **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 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 or college] 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 should be reported to the chair of governors who will then contact the LADO. The headteacher/chair of governors 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 will consider two aspects:

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

In each case, the headteacher 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, the designated safeguard lead or headteacher will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The designated safeguard lead or headteacher will contact the designated officer at the 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 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.

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### **Investigation**

An investigation into the allegation is normally carried out by children's social services or by the school. This will be agreed at the initial evaluation stage. Where the school 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 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 Beam County School 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. The Designated Safeguard Lead will be 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 school's **whistleblowing policy is available in the staff's policy** folder.

enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

### **The employee**

Beam County Primary School 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.

The Designated Safeguard Lead or the HR and Personnel 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 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 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 holds the power to suspend an employee but will listen to the views of the police and or social care regarding suspension.

The school has no authority or power to suspend a member of supply staff where an allegation is made against them. Instead, the school 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 and chair of governors may refer to social services to determine whether the child needs support or has been abused by someone else.

Part Three of this **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 Beam County Primary School 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 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 **complaints policy, child protection and safeguarding policy** and **Staff discipline, conduct and grievance policy**.

<https://beamcountyprimaryschool.org/policies>

Beam County School 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 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 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 staff, supply staff, contractors and volunteers should be reported immediately to the headteacher. Concerns about the headteacher should be reported to the chair of governors.

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

## **Responding to low-level concerns**

The headteacher or chair (as appropriate) 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 chair (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 chair (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.

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

## **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.

## **PART THREE: DEALING WITH MALICIOUS ALLEGATIONS AGAINST STAFF**

### **What are serial and persistent complaints?**

A serial or persistent complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

In identifying serial or persistent complaints, school leaders must be careful to:

- Distinguish between complainants who are raising genuine concerns; and
- Recognise when people are being difficult.

This can be achieved by recognising that complainants may often be aggrieved, frustrated or have other reasons for their behaviour; the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant.

However, a complainant may be regarded as serial or persistent complaints where they:

- Persist in pursuing a complaint which has already been investigated by another or the same person and provides no new or material information.
- Seek to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
- Fail to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts to assist them.
- Complain solely about trivial matters to an extent which is out of proportion to their significance.
- Make excessive contact with the school or seek to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.
- Operate a scatter-gun approach by lodging the same complaint in parallel with several bodies for investigation.

### **What is a malicious complaint?**

A malicious complaint is one that is made with the intention of causing harm, for example:

- Deliberately seeking to defame somebody and raising a complaint with intent;
- Through lying or sensationalising an issue or incident in the knowledge that this will cause harm;
- Through knowingly basing a complaint on rumour and gossip with the intent of causing harm.

A malicious complaint is defined as one:

- That the investigation has been shown to be without foundation and/or
- Where the investigation evidence demonstrates that the complainant knowingly lied or misled the investigator and
- Where there is sufficient evidence to demonstrate this at a disciplinary hearing on the basis of the balance of probabilities.

In the event of a spurious complaint, a thorough investigation will be conducted to discern the motives underlying the student's unsubstantiated accusation.

### **What is considered to be harassment?**

For the purpose of this policy, harassment is the unreasonable pursuit of actions or complaints in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff;
- Cause ongoing distress to individual members of school staff;
- Have a significant adverse effect on the whole/parts of the school community;
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient (this includes situations where persistent demands or criticism, whilst not particularly serious in isolation, have a cumulative effect of undermining confidence, health and well-being).
- Where a complainant tries to reopen the issue with the school after the school's Complaints Procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the headteacher or Chair of Governors will inform the complainant in writing that the matter is closed.

### **Actions in cases of serial and persistent complaints or malicious complaints or harassment**

We will take every reasonable step to address the complainant's concerns and maintain our role as objective arbiters throughout the process. If the complainant continues to contact the school in a persistent or serial manner, the school will inform the complainant in writing that their behaviour is now considered to be unreasonable, and if not modified, action may be taken per the terms of this policy and Complaints Policy.

(See also Complaints Policy). If any of the above issues arise, disciplinary actions will result, and depending on the circumstances, suspension or exclusion may be imposed.