



## Bishop Bewick Catholic Education Trust

<b>Policy Title:</b>	<b>Policy for Dealing with Allegations of Abuse and Concerns Against Staff and Others</b>			
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## **BBCET Policy for Dealing with Allegations of Abuse and Concerns Against Staff and Others**

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## 1. Policy statement

- 1.1 BBCET is committed to ensuring every young person in our care is safe. It is our duty to first and foremost safeguard and promote the welfare of children; this includes anyone under the age of 18. Safeguarding and promoting the welfare of children is everyone's responsibility.
- 1.2 The trust promotes a culture in which staff are clear about the behaviour expected of themselves and colleagues; concerns or allegations about all adults working in or on behalf of the Trust are addressed fairly and consistently. Any report must be dealt with quickly and in a way that effectively protects the child, and at the same time, supports the person who is subject to the concern or allegation. It is important that staff, students and parents / carers are able to raise concerns, are listened to and taken seriously.

## 2. Scope and purpose

- 2.1 The policy covers all individuals at all levels and grades in the trust, including governors, executives, Headteachers, senior leadership, all teachers and associate staff, consultants, contractors, supply staff, volunteers, casual workers and agency staff (collectively referred to as employees in this policy).
- 2.2 The policy sets out how the school or the trust will manage allegations and low level concerns raised in relation to any employee and the guidance that we follow. It meets the requirement of statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education to ensure we are protecting our children from abuse, potential abuse or harm.
- 2.3 This policy should be read in conjunction with the following policies:
  - The school's Child protection and safeguarding policy
  - Complaints procedure
  - Disciplinary procedure
  - Staff Code of conduct
- 2.4 It is informed by the following documents issued by the Department for Education:
  - Keeping Children Safe in Education
  - Working Together to Safeguard Children

## 3. Allegations made in a school

- 3.1 Any allegation should be reported to the Headteacher, unless it concerns the Headteacher in which case it should be reported to the Trust's CEO. The Headteacher or CEO should then conduct basic enquiries to establish the facts; they should report it to the local authority designated officer (LADO) on the same day, if the employee has:
  - 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
  - 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, this includes behaviour that may have happened outside the school or Trust that might make an individual unsuitable to work with children. (This is known as transferable risk.)



- 3.2 The Headteacher, through consultation with the designated safeguarding lead (DSL), (in the case of Headteachers, the Trust HR team and CEO), will make a decision whether or not the member of staff should continue to work with children during any investigation (see the Trust disciplinary policy). In making a decision they should be mindful of the need to safeguard and protect children's welfare whilst also providing effective support and protection to the individual subject to the allegation.
- 3.3 Suspension will be considered in any case where:
- there is cause to suspect a child is at risk of harm
  - the allegation warrants investigation by the police or is so serious that grounds for dismissal are being considered.
- 3.4 Suspension will not be automatic; the Headteacher and CEO will carefully consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The power to suspend is vested in the Headteacher and CEO by the trust executive.

#### **4. Supply teachers and volunteers**

- 4.1 Whilst we are not the employer of supply teachers, we will ensure that any allegation against a supply teacher working in any of our academies is dealt with properly and in line with guidance. We would follow the same process in liaising with the LADO as well as informing the agency. We will discuss the appropriate action for the agency and the school to take.
- 4.2 Depending on the situation, this may be suspension of services whilst an investigation ensues, or redeployment if this is considered safe. In this case, we will take the lead in working with all appropriate agencies and also carrying out the investigation. All agencies should be informed of our process for managing allegations before they supply any temporary members of staff, and supply staff must be trained on our policies and procedures before entering the classroom.
- 4.3 Although not in employment from an agency, we would also deal with any allegation against a volunteer in the same way in terms of investigation and involvement with external agencies such as the policy and the local authority.

#### **5. Record keeping**

- 5.1 It is important that a clear and comprehensive summary of any allegations made is retained in the member of staff's confidential personnel file. This summary should include:
- details of how the allegations were followed up and resolved
  - a note of any action taken
  - decisions reached including whether information will be referred to in any future reference
- 5.2 A copy should be provided to the member of staff concerned. The summary should be retained, at least, until the member of staff has reached normal retirement age (or for a period of 10 years from the date of the allegation if that is longer).

#### **6. Allegations made to the police or children's social care**

- 6.1 If an allegation is made to the police, it should be reported to the Headteacher who, in turn, should inform the LADO (unless it concerns the Headteacher, in which case it should be reported to the relevant CEO).



6.2 If the allegation is made to children's social care, the person who receives it should report it to the LADO.

## **7. Initial consideration**

- 7.1 The LADO will discuss the matter with the Headteacher, or CEO, and obtain further details of the allegation and the circumstances in which it was made. The Headteacher, or CEO, should also consider whether there is evidence / information that establishes that the allegation is false or unfounded.
- 7.2 If the allegation is patently not false and there is cause to suspect that a child is suffering, or is likely to suffer significant harm, the LADO will immediately refer to children's social care and ask for a strategy discussion to be convened immediately.
- 7.3 If there is no cause to suspect significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.
- 7.4 Even in the case where an allegation appears to be less serious, it is important that the LADO is informed. An allegation may be considered so serious that there will be immediate referral to children's social care and / or the police.

## **8. Action following initial consideration**

- 8.1 Where the initial consideration decides that the allegation does not involve a possible criminal offence, the employer must deal with the matter. If the nature of the allegation does not require formal disciplinary action, the Headteacher or CEO will institute appropriate informal action within three working days. A record of the actions taken should be kept on the employee's personal file.
- 8.2 Where further investigation is required to inform consideration of disciplinary action, the Headteacher or CEO will discuss with the LADO and decide on any necessary action. This will include appointing an investigating officer in line with the trust disciplinary procedure; in some circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school.
- 8.3 The investigating officer should aim to provide a report to the Headteacher or CEO within 10 working days. On receipt of the report of the disciplinary investigation, the Headteacher or CEO should decide within 2 working days if a disciplinary hearing is needed, this should be in consultation with the LADO if this is felt appropriate. If such a hearing is required, it should be held within 15 working days.
- 8.4 Where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher and / or CEO should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LADO should continue to liaise with the school to monitor progress of the case and provide advice / support when required / requested.
- 8.5 In the case of the allegation being made against a supply teacher, a contractor, or a volunteer from a voluntary organisation, the school may not be involved in disciplinary procedures, but will be involved and cooperate in an investigation. This investigation will reach a decision whether to continue to use the person's services, or to recommend the person for work with children in the



future, and whether to report to the DBS and the Teachers' Regulation Agency.

## **9. Supporting those involved**

- 9.1 Parents / carers of a child, or children, involved should be advised of any allegation/s as soon as possible except where a strategy discussion is required or police / social care need to be involved, in which case the school will not tell parents until it has been agreed what information can be shared. Parents / carers should also be kept informed regarding progress on the case and should be informed of the outcome in confidence where there is a criminal prosecution or a disciplinary hearing. The deliberations and information taken into account in reaching a decision will not normally be disclosed.
- 9.2 The school should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the police or children's social care are involved, the Headteacher will not do this until advised to do so by these agencies.
- 9.3 Any child / children making an allegation against a member of staff will be offered a 'support person' from within the school who is impartial to the formal proceedings. Where the allegations are unfounded, the school will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted. In this case, the LADO should refer the matter to children's social care to determine whether or not the child concerned is in need of support from external services, or may have been abused by others. The school will continue to provide support to the child / children in these circumstances.
- 9.4 Any member of staff facing an allegation will be offered a 'support person' who is impartial to the investigation and, where appropriate, other support such as a referral to occupational health / life coaching. The support person will keep the employee informed of progress of the case and other related matters.

## **10. Confidentiality**

Every effort must be made to guard confidentiality and to protect against any undue publicity.

## **11. The outcome of allegations**

The outcome of an investigation falls under five categories:

- Substantiated: there is sufficient evidence to prove the allegation on the balance of probabilities
- 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 to the allegation
- False: there is sufficient evidence to disprove the allegation
- Unsubstantiated: there is insufficient evidence to 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



## **12. Resignations and 'compromise agreements'**

Allegations must be investigated even in situations where an employee tenders their resignation or ceases to provide services. The individual will be given the opportunity to engage with the investigation. A 'compromise agreement' will not be used in the case of allegations.

## **13. Case subject to police investigation**

- 13.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.
- 13.2 A target date for the case review will be set. The review will include the progress of the investigation in consultation with the Crown Prosecution Service (CPS). If the police and / or CPS decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should, wherever possible, aim to pass all information they have, which may be relevant to a disciplinary case, to the employer within three working days of the decision. In those cases, the employer and the LADO should decide how to proceed.
- 13.3 If the nature of the allegation does not require formal disciplinary action, the Headteacher or CEO will institute appropriate action within three working days.
- 13.4 If it is felt that formal disciplinary action is a possibility, the trust disciplinary process will be followed.
- 13.5 Any case in which children's social care have undertaken enquiries, which are relevant to a disciplinary case, these should also be passed to the school.
- 13.6 If the person is convicted of an offence, the police must inform the employer straight away so that appropriate action can be taken.

## **14. Referral to DBS (Disclosure & Barring Service) / Teaching Regulation Agency (TRA)**

There is a legal requirement for employers to make a referral to the DBS where we think that an individual has engaged in conduct that harmed or is likely to harm a child, or if a person otherwise poses a risk or harm to the child. If, upon conclusion of the case, the school ceases to use the person's services or the person ceases to provide his / her services, the school should consult the LADO regarding whether a referral is required. If so, it should be made within 1 month. Additionally, a decision should be made with regards to TRA referral.

## **15. Dealing with false or malicious allegations**

- 15.1 Where there is clear evidence that an allegation was deliberately invented or malicious, and the allegation has been made by a child, member of staff or volunteer then the Headteacher will consider whether any disciplinary action is appropriate.
- 15.2 Advice should be sought from the police regarding whether any action might be appropriate against the person responsible if he / she was not a student.



- 15.3 If it is a student making the allegation then, the DSL should consider whether the child concerned is in need and should be referred to children's social care as they may have been abused by someone else

## **16. Recognising low level concerns**

- 16.1 Low level concerns are defined in Part 4 of Keeping Children Safe in Education 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 may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside work and/or does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.
- 16.2 Examples of such behaviour could include, but is 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
  - using inappropriate sexualised, intimidating or offensive language

## **17. Sharing low level concerns**

- 17.1 For our culture of openness and trust to prevail, all staff should share any low level concerns they have. Serious case reviews and safeguarding practice reviews have 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 studied for patterns of behaviour.
- 17.2 It is critical that staff understand their role in recognising and reporting low level concerns to minimise and eradicate the risk of opportunities being missed. All staff should immediately report low level concerns so that behaviour can be investigated and managed appropriately.
- 17.3 All low level concerns should be reported to the Headteacher. Concerns about the Headteacher should be reported to the relevant CEO. The procedure for reporting is consistent with that for reporting allegations outlined in section 3 of this policy. Staff do not need to determine whether their concern meets the threshold set out in section 3 or is a low level concern. This will be determined by the Headteacher or CEO as appropriate once the issue is reported.

## **18. Responding to low level concerns**

- 18.1 The Headteacher or CEO, as appropriate, will review the concern to confirm that it is not a more serious issue that should be dealt with as an allegation. An issue reported as a low level concern would be dealt with as an allegation where it meets the threshold set out in section 3 or there is a pattern of low level concerns expressed about the individual or wider staff practices generally. If necessary, the concern will be discussed with the LADO to determine whether it should be dealt with as an allegation.
- 18.2 The Headteacher or CEO will discuss the concern with the individual who raised it and



will investigate it as appropriate. If the concern has been raised via a third party, evidence will be collected by speaking directly to the person who raised the concern, the individual involved and any witnesses (unless it has been raised anonymously).

18.3 Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the disciplinary policy.

18.4 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 that they can take appropriate steps in accordance with their own policies and statutory guidance.

### **19. Recording low level concerns**

19.1 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.

19.2 Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the Headteacher 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 threshold for an allegation set out in section 3 of this policy.

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

### **20. 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.