

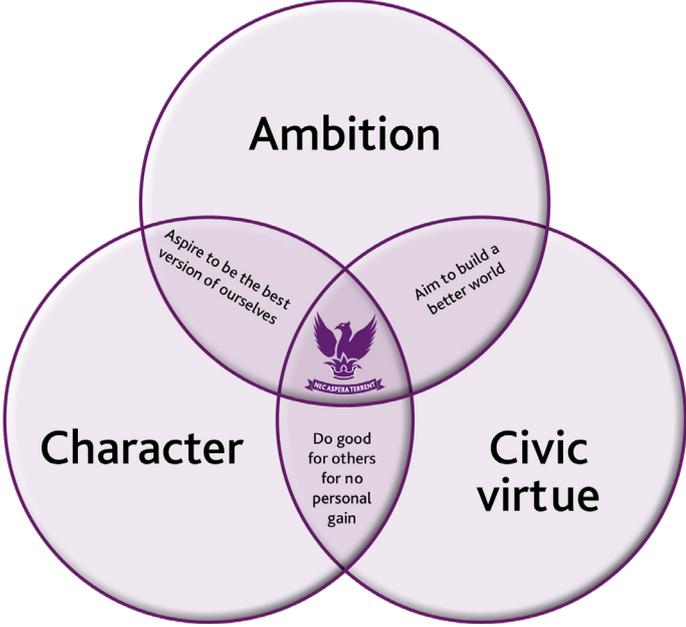
MANAGEMENT OF ALLEGATIONS AGAINST STAFF

Ratified by the Governing Body September 2022

Date of next review: September 2023



DRAYTON MANOR HIGH SCHOOL





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MANAGEMENT OF ALLEGATIONS AGAINST STAFF

INTRODUCTION

Drayton Manor has a duty to safeguard and promote the welfare of pupils, under Sections 175 and 157 of the Education Act 2002. We will follow the procedures set out in 'Keeping Children Safe In Education' (September 2021), 'Working Together (March 2015)', 'the Children's Act (2002, Section 175), the Prevent Duty (June 2015), by the Ealing Safeguarding Children board and take account of guidance issued by the Department for Education. We want all our students to feel that they work and play in a secure and caring environment, free from any kind of abuse or neglect. To this end we will

- ensure we practice safer recruitment practices in checking the suitability of staff and volunteers to work with students
- educate children about how to keep themselves safe, including online through various teaching and learning opportunities
- raise awareness of child protection issues and equip students with the skills needed to keep them safe
- develop and then implement procedures for identifying and reporting cases, or suspected cases, of abuse
- support students who have been abused in accordance with his/her agreed child protection plan
- establish and maintain a safe environment in which children can learn, develop and achieve and where they are listened to
- ensure that all teaching and support staff are aware of the signs and symptoms of abuse, know the correct procedure for referring concerns, or reporting any allegations against staff and receive appropriate training to enable them to carry out these requirements
- assess the risks and issues in the wider community when considering the well-being and safety of our students
- staff in the school will take all welfare concerns seriously and encourage children and young people to talk about their worries
- always act in the best interest of the child

This policy should be read in conjunction with the Child Protection and Safeguarding Policy and the Staff Code of Conduct.

The school promotes an open and transparent culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person and recorded and dealt with appropriately. If implemented well this should encourage an open and transparent culture, enabling our school to identify concerning, problematic or inappropriate behaviour

early, minimise the risk of abuse and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within them, in accordance with the ethos and values of Drayton Manor High School.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly, and consistently, in a way that prides effective protection for the student and at the same time supports the person who is the subject of the allegation.

CRITERIA

This procedure will relate to where an allegation is made against anyone who works with students at the School

- that he/she/they has behaved in a way that has harmed a child, or may have harmed a child
- that he/she/they possibly committed a criminal offence against or in relation to a child
- that he/she/they behaved towards a child or children in a way that indicates he/she is unsuitable to work with children or where
- concerns arise about the person's behavior with regard to his/her own children
- concerns arise about the behavior in the private community life of a partner, member of the family or other household member

RESPONDING TO A LOW LEVEL CONCERN

Please refer to Appendix A – Low Level Concerns

LOW-LEVEL CONCERNS

Concerns may be graded Low-level if the concern does not meet the criteria for an allegation; and the person* has acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work. Example behaviours 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.
- Attempting to humiliate children

The term 'low level' concern does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the harm threshold. 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 may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work, and

- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO.

Staff do not need to be able to determine in each case whether their concern is a low level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low level concern, that determination should be made by the Head.

If the concern has been raised via a third party, the headteacher should 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

Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Staff should be encouraged and 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.

Low-level concerns will be recorded in writing, including:

- name* of individual sharing their concerns
- details of the concern
- context in which the concern arose
- action taken

(* if the individual wishes to remain anonymous then that will be respected as far as reasonably possible)

Records will be kept confidential, held securely and comply with the Data Protection Act 2018. The school will decide how long they retain such information, but it is recommended that it is kept at least until the individual leaves their employment.

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

If a concerning pattern of behaviour is identified and now meets the criteria for an allegation, then the matter will be referred to the LADO.

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct. Self-reporting in these circumstances can be positive for several reasons: it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

In line with KCSIE, Drayton Manor High School will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

RESPONDING TO AN ALLEGATION OR COMPLAINT

Please refer to Appendix B – Allegations Involving School Staff/Volunteers.

The person who receives information regarding the allegation will not question the student or investigate the matter any further. They will

- treat the matter seriously, avoid asking leading questions, communicate with the student in a manner appropriate to the student's understanding and communication style
- make a handwritten record of the information using the Disclosure and Observation form (Appendix C), where possible in the student's own words, stating when the alleged incident took place, who was present and what was said to have happened
- the record must be signed and dated
- the person receiving the information will report the matter immediately to the Head or, where the allegation involves the Head, to the Chair of Governors

The Head will inform the Governing Body of the allegation.

INITIAL ACTION BY THE HEAD

The Head will not investigate the matter by interviewing the accused, the child making the allegation or any of the potential witnesses.

They will

- Discuss the matter with the Designated Safeguarding Lead (where appropriate)
- obtain written details of the allegation, signed and dated by the person receiving the allegation or complaint
- countersign and date the written details
- record any other information about times, dates and location of any incident and the names of any potential witnesses
- report the allegation to the Local Authority Designated Officer (LADO) within one working day

The Head and the school will cooperate with all relevant authorities involved and will share all relevant information about the person who is the subject of the allegation and the alleged victim to assist in any further investigation.

INFORMING ACCUSED PERSON/SUSPENSION

The Governing Body will inform the accused person of the allegations as soon as possible after prior consultation with the LADO. The Governors will consider carefully whether the circumstances of the case warrant an immediate suspension of the person involved from contact with children, until the allegation is resolved. The Governors will seek guidance from the LADO when considering a suspension. Any suspension will be a neutral act and will be on full pay, until decided otherwise.

SUPPORTING THOSE INVOLVED

Parents or carers of any student involved will be told about allegations as soon as possible, after

discussion with the LADO as to the most appropriate way this should be done and by whom. In cases where a student has been injured whilst in the school's care, the parents will be informed immediately. The Governing Body will keep any staff member who is the subject of an allegation informed of the progress of the case and will arrange appropriate support/advise the accused to seek support from their trade union or other relevant professional association.

CONFIDENTIALITY

Every effort will be made to maintain confidentiality and guard against publicity.

RECORD KEEPING

The school will keep details of any allegations made and how the allegation was followed up and resolved. These records will be kept until the person reaches normal retirement age, or ten years if that is longer, including for people who leave the school's employment. A copy will be given to the person. The purpose of the record will be to enable accurate information to be given in response to any further request for a reference and to provide clarification for future DBS disclosures.

OUTCOMES

If after initial consideration between the Head and the LADO it is clear that police or social care investigations are not necessary, the school will be guided by the LADO as to the most appropriate action.

The nature and circumstances of the allegation and evidence will determine the next course of action. If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within three working days. If a disciplinary hearing is required and can be held without any further investigation, the hearing will be held within 15 working days. Subsequent procedures, as outlined in the school's Disciplinary Procedure relating to Misconduct and Grievance Procedure will be followed.

If, on conclusion of the case, it is decided that the person can return to work, the Governing Body will consider how best to facilitate the return and provide relevant support to the staff member and consider how to best manage the person's contact with the child who made the allegation. The parents/carers of the child will be kept fully informed of any decisions/action taken by the Governing Body.

RESIGNATIONS AND COMPROMISE AGREEMENT

If an employee resigns or ceases to work for the school, any allegation must still be followed up in accordance with these procedures. Compromise Agreements in which a person agrees to resign and the employer agrees not to pursue disciplinary action will not be used in these situations.

STAFF REFERENCES FOR FUTURE EMPLOYMENT

Any staff references will state where an allegation has been made against the employee and will clearly state if the allegation was found will to be false or unproven.

REFERRAL TO DFE LIST 99 OR CHILDREN OR ADULTS' BARRED LISTS

If an allegation is substantiated and the employee is dismissed or resigns, the Head will discuss with the LADO whether and how a referral should be made to the DBS or the DfE List 99.

REVIEWING PRACTICE

At the conclusion of any case, whether the allegation is substantiated or not, the school will review its procedures and practice to help prevent similar events in the future.

APPENDIX B - ALLEGATIONS INVOLVING SCHOOL STAFF/VOLUNTEERS

If you become aware that a member of staff may have

- behaved in a way that has harmed, or may have harmed a child or
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

You must complete a handwritten Disclosure and Observation form and pass this to the Head, immediately and in person.

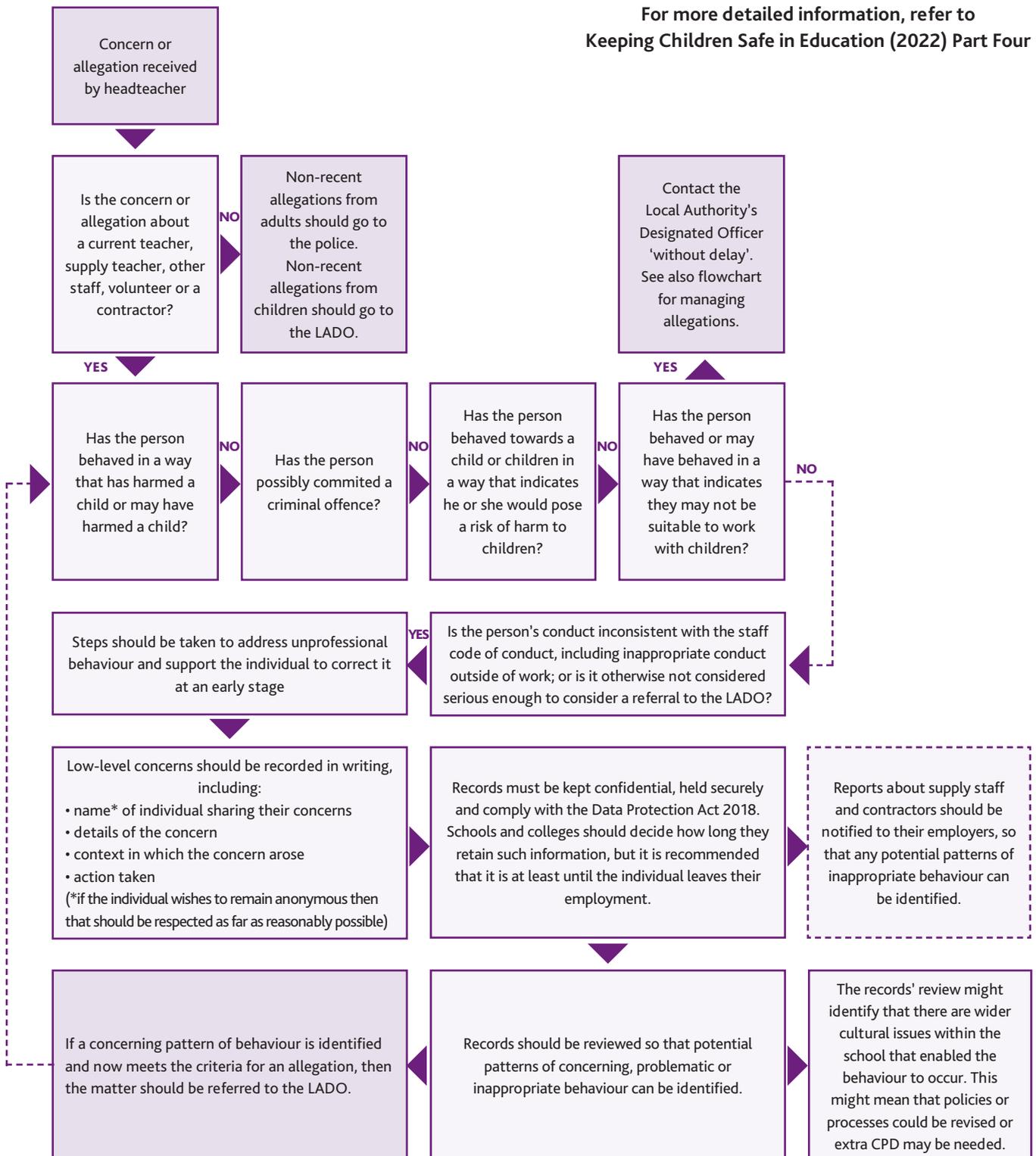
The procedure set out below will then be followed

The Head teacher / Chair of Governors will be invited to these meetings.

APPENDIX A

Managing low level concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors.

For more detailed information, refer to **Keeping Children Safe in Education (2022) Part Four**



WHAT IS A LOW LEVEL CONCERN?

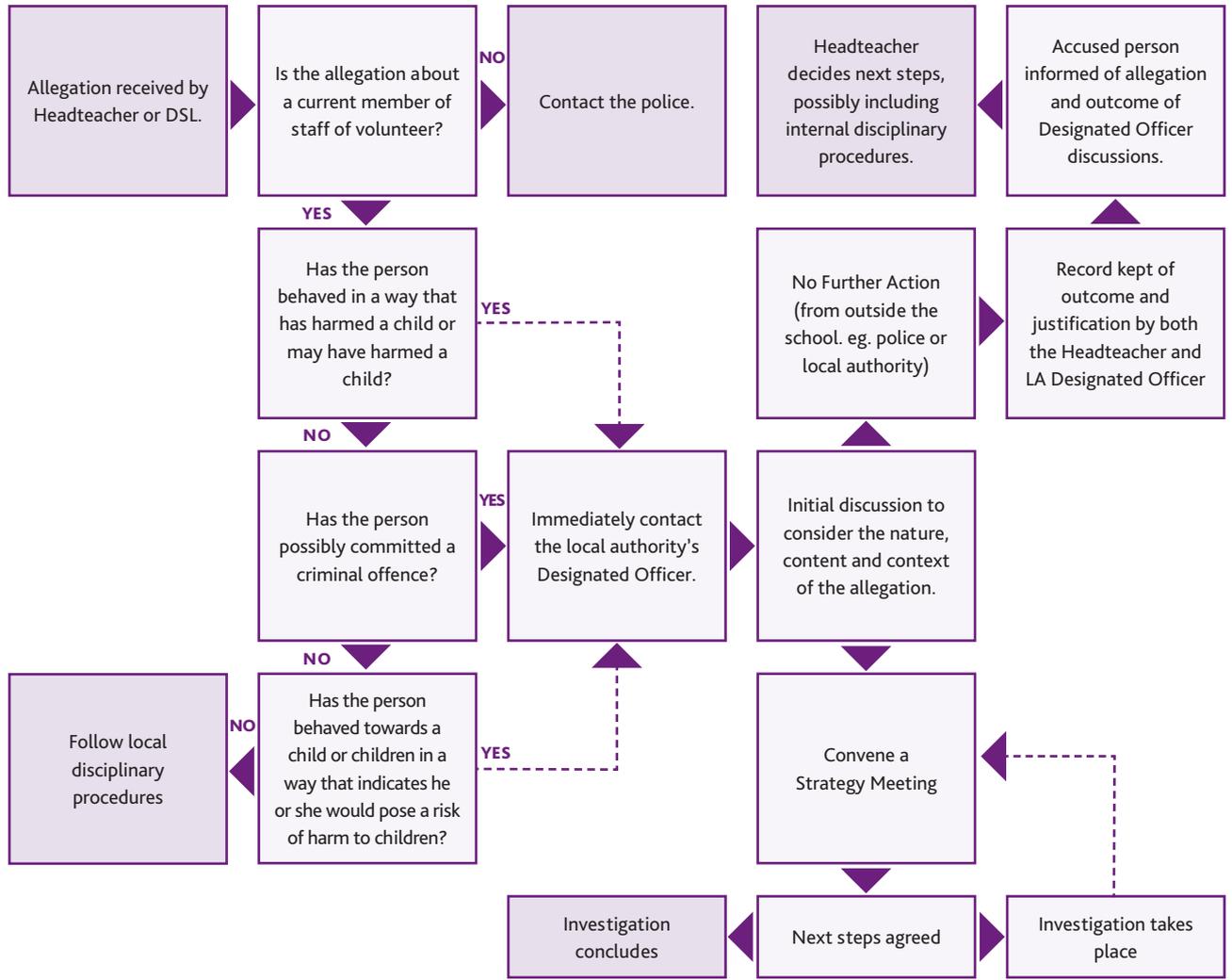
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- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

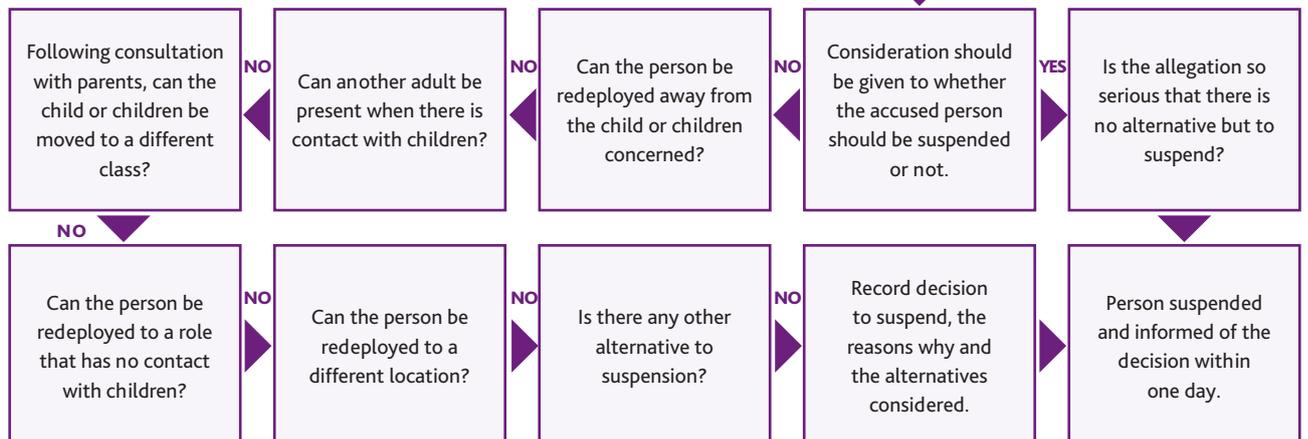
APPENDIX B

Responses to allegations about staff or volunteers.

Flowchart for the initial management of allegations about staff or volunteers.



For more detailed information, refer to **Keeping Children Safe in Education (2022) Part Four**



Disclosure or Observation (continued)

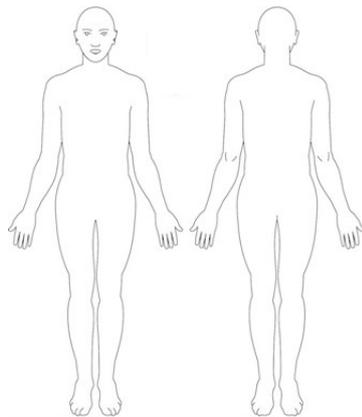
Staff Name

Date

Signature

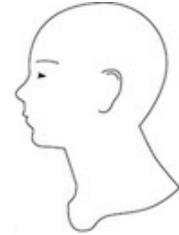
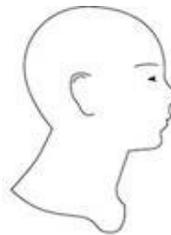
BODY MAP

Report visible marks only



RIGHT

LEFT



For official use only

Received by on at

Reported to Social Services

Reported to the LADO

Reported to the Police

Feedback given on a need to know basis on (date) by

FURTHER ACTION REQUIRED BY THE SAFEGUARDING TEAM:

Action	Person taking the action	Signature