

Managing Allegations & Concerns Raised in Relation to Staff, Supply Staff, Third Party Staff, Contractors and Volunteers

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Introduction

- 1.1 Weatherhead High School takes the safeguarding of its students very seriously and we recognise that it is extremely important that any safeguarding concerns and allegations made against a member of staff, supply staff, third party staff, contractors or volunteers is managed quickly and effectively. It is also important that low safeguarding concerns are recognised and reported so behaviours can be appropriately managed.
- 1.2 This policy sets out how the school will manage safeguarding concerns and allegations made about a member of staff, supply staff, third party staff, contractors or volunteers at our school. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2023.
- 1.3 This policy is set out in two parts. The first part deals with allegations made against members of staff, including supply staff, third party staff, contractors or volunteers. The second part deals with low level concerns raised in relation to members of staff, including supply staff, third party staff, contractors or volunteers.
- 1.4 For the purposes of this policy, third party staff includes but is not limited to staff working at Weatherhead High School to undertake caretaking, cleaning and catering roles under the school's PFI contract.

Part One: Managing allegations made against members of staff, supply staff, third party staff, contractors or volunteers

- 2.1 This part of the policy will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2023 requires that it is followed in any case where it is suspected or alleged that a member of staff, including agency staff, third party staff, contractors or a volunteer has:
 - behaved in a way that has harmed a child or may have harmed a child (see our Child Protection and Safeguarding Policy for what we mean by 'harm')
 - 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
- 2.2 The fourth bullet point above 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.
- 2.3 This policy will be used alongside our Complaints Policy and Child Protection and Safeguarding Policy, both of which can be accessed here: <https://weatherheadhigh.co.uk/school-information/policies-procedures/>

Reporting an allegation

- 3.1 The safety and welfare of our students is of paramount importance and so all staff must report their allegations immediately.
- 3.2 Allegations made against a member of staff, supply staff, third party staff, contractors or a volunteer should be reported to the Headteacher. Allegations involving the Headteacher should be reported to the Chair of Governors. The Headteacher or Chair of Governors (as appropriate) will then contact the Local Authority Designated Officer (LADO). The Headteacher or Chair of Governors will then act as the **Case Manager**.
- 3.3 When an allegation is made, the Headteacher or Chair of Governors will consider two aspects:
 - 3.3.1 looking after the welfare of the child
 - 3.3.2 investigating and supporting the person subject to the allegation
- 3.4 In each case, the Headteacher or Chair of Governors will:
 - 3.4.1 apply common sense and judgement;
 - 3.4.2 deal with allegations quickly, fairly and consistently; and
 - 3.4.3 provide effective protection for the child and support the person subject to the allegation.

- 3.5 Before contacting the LADO, the Headteacher or Chair of Governors will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The Headteacher or Chair of Governors will contact the LADO and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The school Designated Safeguarding Lead (DSL) may also be involved in this discussion. This discussion may include that:
- no further action is required; or
 - more information is required to determine a course of action; or
 - a strategy discussion should take place; or
 - police or social care should be involved.
- 3.6 The school will share relevant information with the LADO about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the school will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.
- 3.7 Where an allegation is made or becomes known to the school relating to incidents that happened when an individual or organisation was using the school premises for the purposes of running activities for children, the Headteacher will inform the LADO in accordance with paragraph 3.6 of this policy.

Investigating an allegation

- 4.1 An investigation into the allegation should normally be undertaken by a senior member of staff at our school. Where no suitable staff are available or the nature or complexity of the allegation requires it, the school may appoint an independent investigator.
- 4.2 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2023 states that the following definitions should be used when determining the outcome of the investigation:
- 4.2.1 **Substantiated:** there is sufficient evidence to prove the allegation
 - 4.2.2 **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
 - 4.2.3 **False:** there is sufficient evidence to disprove the allegation
 - 4.2.4 **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
 - 4.2.5 **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made
- 4.3 In no circumstances would Weatherhead High School cease to use a member of supply staff, third party staff, contractor or volunteer due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst the school is not the employer of such staff, we will ensure allegations are dealt with properly and involve the relevant employers and agencies in the process.

Supporting those involved

5.1 Parents/carers of the child(ren) involved

- 5.1.1 Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, the school will not tell the parents or carers until it has been agreed with those agencies what information can be shared.
- 5.1.2 The school will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution, the school will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome **in confidence**.

5.2 The member of staff, supply staff, third party staff, contractor or volunteer

- 5.2.1 The school has a duty of care to its employees and volunteers and will act to minimise the stress inherent in the investigation process.
- 5.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the LADO. The person will be advised of the likely course of action unless

- the police or children's social care raise an objection. In those circumstances the school will work with children's social care and the police to agree what information can be disclosed and when.
- 5.2.3 The Case Manager will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other school related matters. The Case Manager will also consider what other support may be appropriate for the individual.
 - 5.2.4 The person who is the subject of the allegation will be advised to contact their trade union representative, or a colleague for support. They may also be given access to any relevant support services provided by the school.
 - 5.2.5 Where an allegation is made against a member of supply staff, third party staff, or contractor, the employer should provide additional support to that member of staff.

Suspension

- 6.1 If the School decides to invite an employee to a Disciplinary Hearing, the School will consider whether it is appropriate to suspend the employee pending the Disciplinary Hearing.
- 6.2 Suspension is not an automatic response to an allegation being made. The school will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working.
- 6.3 Alternatives to suspension (for example, re-organisation of duties, work location, temporary redeployment to another role, providing an assistant to be present when the individual has contact with students) will be explored where relevant before a decision to suspend is made. The school will be as inventive as possible when considering alternative options to suspension.
- 6.4 The nature and severity of the allegations will need to be considered as well as the employee's role and if their continued presence would result in potential harm to the organisation or others, or make it difficult to investigate.
- 6.5 The school makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the school will listen to their views regarding suspension.
- 6.6 An employee may be suspended, with pay and benefits, if the school considers that it would be inappropriate for the employee to continue in his or her role or to remain at work until the alleged misconduct has been dealt with at the Disciplinary Hearing.
- 6.7 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.
- 6.8 Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension.
- 6.9 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process.
- 6.10 Employees will be provided with an appropriate named contact within school who will provide welfare support.
- 6.11 All suspensions will be kept under review.
- 6.12 After the suspension, if it is decided that the employee can return to the school, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.
- 6.13 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.
- 6.14 The school will not prevent social contact with work colleagues and friends unless there is evidence to suggest such contact may prejudice the gathering of evidence.

Resignation

- 7.1 If the individual resigns or the supply staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will still be given the opportunity to engage with the investigation.
- 7.2 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 in which the person concerned refuses to cooperate.

Settlement Agreements

- 8.1 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should not be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children.
- 8.2 Such an agreement will not prevent a thorough police and/or school investigation where that is appropriate, should the school become aware of any such allegation after the agreement has been made.
- 8.3 Where a settlement/compromise agreement is used, it will not prevent the school from:
 - 8.3.1 fulfilling its legal duty to refer cases to the DBS where the referral criteria are met; the school recognises that non-compliance of this duty is a criminal offence.
 - 8.3.2 providing a reference to potential employers when requested.
 - 8.3.3 considering whether to make a referral to the TRA where the criteria are met.
- 8.4 Where an adult makes an allegation to the school that they were abused as a child, the individual should be advised to report the allegation to the police. Non-recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. The school will cooperate fully with any investigations. Abuse can be reported no matter how long ago it happened.

Action on conclusion of the case

- 9.1 If the allegation is substantiated and:
 - 9.1.1 the employee is dismissed or resigns; or
 - 9.1.2 we cease to use the supply staff member's services as a result of the allegation
 - 9.1.3 we cease to use the contractor's services as a result of the allegation; or
 - 9.1.4 we cease to use the volunteer's services as a result of the allegation;
 - 9.1.5 the school will consider whether a referral to the DBS and/or to the TRA is required.
- 9.2 Where an allegation is found to be false, the school may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made.
- 9.3 The school's Behaviour Policy sets out the action that may be taken against students who are found to have made malicious allegations. It may also be appropriate to consider a referral to the police.
- 9.4 Where an allegation is made against a member of supply staff, third party staff, or contractor the outcome of the investigation will be shared with the supply agency and/or employer as appropriate and the LADO.

Post incident review

- 10.1 It is good safeguarding practice for schools to review incidents upon their conclusion so they can learn from them and continue to improve standards of safeguarding. Where allegations are made against staff, supply staff, third party staff, contractors or volunteers, the school may carry out a review at the conclusion of the case.

Timescales

- 11.1 Investigations into allegations against staff, including agency staff or volunteers or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible.

Record keeping

- 12.1 Allegations found to be **false** or **malicious** will be removed from the employment record of the individual. For **all other allegations**, a clear and comprehensive summary of the allegation, how it was followed up and resolved, a note of actions taken and decisions reached and a declaration on whether the information will be referred to in any future reference will be retained on the employment file. A copy will also be provided to the individual.
- 12.2 The record will be kept, including for people who leave the school, at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.
- 12.3 Details of any allegation made by a student will be kept in the confidential section of their record.

Confidentiality

- 13.1 The school will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.
- 13.2 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 student from the same school. This applies to parents and carers as well as the press.

Non-recent allegations

- 14.1 Where an adult makes an allegation to school that they were abused as a child, that adult will be advised to report the allegation to the police.
- 14.2 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: Managing low level concerns

- 15.1 This part of the policy will be followed when dealing with low level concerns raised in relation to members of staff, including supply staff, third party staff, contractors or volunteers and may be adapted to each case as required. It will be used alongside the school/trust's **Complaints Policy, Child Protection & Safeguarding Policy, Staff Code of Conduct** and **disciplinary procedure** which can be accessed here: <https://weatherheadhigh.co.uk/school-information/policies-procedures/>
- 15.2 Weatherhead High School promotes a culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, third party staff, contractors and volunteers) are addressed appropriately.
- 15.3 This policy is designed to:
- 15.3.1 promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues.
 - 15.3.2 ensure staff are comfortable to raise low level concerns.
 - 15.3.3 provide for efficient and proportionate handling of those concerns.

Recognising low level concerns

- 16.1 This policy will be used to manage 'low-level' concerns, defined in Part 4 of Keeping Children Safe in Education 2023 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:

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

16.2 Examples of such behaviour could include, but is not limited to:

- 16.2.1 being over friendly with children
- 16.2.2 having favourites
- 16.2.3 taking photographs of children on their personal mobile phone
- 16.2.4 engaging with a child on a one-to-one basis in a secluded area or obscuring a visibility pane in a door
- 16.2.5 humiliating children
- 16.2.6 using inappropriate sexualised, intimidating or offensive language

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 reviewed or studied for patterns of behaviour.
- 17.2 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.
- 17.3 All staff are encouraged to immediately report low level concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.
- 17.4 All staff, supply staff, third party staff, contractors or volunteers are also encouraged to self-refer, where, for example, they may 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.
- 17.5 All low level concerns in relation to staff, supply staff, third party staff, contractors or volunteers should be reported immediately to the Headteacher. Concerns about the Headteacher should be reported to the Chair of Governors.
- 17.6 The procedure for reporting low level concerns is consistent with that for reporting allegations of abuse as set out in Part One of this policy. Staff do not need to determine 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

- 18.1 The Headteacher or Chair of Governors (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 wider staff practices generally. If necessary, the Headteacher or Chair of Governors (as appropriate) will discuss the concern with the LADO to determine whether it should be dealt with under Part One of this policy.
- 18.2 The Headteacher or Chair of Governors (as appropriate) will discuss the concern with the individual who raised it in the first instance and will investigate it as appropriate.
- 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 Staff Code of Conduct and disciplinary procedure.
- 18.4 If the concern has been raised via a third party, contractor or supply agency, the Headteacher may appoint a senior member of staff to collect evidence by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses. The senior member of staff will investigate and report their findings to the Headteacher.

- 18.5 Concerns regarding the Headteacher will be investigated by the Chair of Governors.
- 18.6 Where a low level concern is raised about a member of supply staff, third party staff or a contractor, the concern will be shared with supply agency and/or employer as appropriate so they can take appropriate steps in accordance with their own policies and statutory guidance.

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 (Appendix C). 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 potential patterns of concerning, problematic or inappropriate behaviour can be identified. If 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 threshold set out in Part One of this policy.
- 19.3 Consideration should also be given to whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies will be revised or extra training delivered to minimise the risk of it happening again.
- 19.4 The record of the low level concern will be kept on the staff members personnel file. In accordance with the School's Record Management Policy this information will be retained until Termination of Employment plus six years: <https://weatherheadhigh.co.uk/wp-content/uploads/2021/09/Records-Management-Policy.pdf>

References

- 20.1 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 references.

Role of the Designated Safeguarding Lead (DSL)

- 21.1 In accordance with Keeping Children Safe in Education requirements, Weatherhead High School has a DSL and other safeguarding officers in the school. For more details on the role of a DSL please visit the Keeping Children Safe in Education (2023) guidance, Annex C: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2023.pdf

Appendix A – Lead Officers for Allegations against Staff

Mr D Mackenzie	Headteacher	Tel: 0151 631 4400 ext 207 (via Headteacher's PA)
Miss N Sullivan	Senior Deputy Headteacher	Tel: 0151 631 4400 ext 247 Mob: 07504 511055
Mrs C Walton	Designated Safeguarding Lead	Tel: 0151 631 4400 ext 281 Mob: 07719 55094

In the event of an allegation against the Headteacher only:

Mrs C Rogers	Chair of Governors	Tel: 0151 631 4400 ext 207 (via Clerk to Governors)
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Appendix B – Useful Contacts for Staff

Local Authority Designated Officer

Mrs Pamela Cope: safeguardingunit@wirral.gov.uk

ASCL

2nd Floor

Peat House

1 Waterloo Way

Leicester

LE1 6LP

T: 0116 299 1122

General enquiries: info@ascl.org.uk

Hotline duty officer: hotline@ascl.org.uk

NEU – advice line 0345 8118111

North West Regional Office

Ground Floor

1A Parklands,

Bolton,

Lancashire,

BL6 4SD

T: 01204 521434

NASUWT advice line: 03330 145550 (Mon – Fri 9.00am to 6.00pm)

NEU Wirral: ian.harris@neu.org.uk

North West Regional Office

North Quarry Business Village

Skull House Lane

Appley Bridge

Lancashire

WN6 9DL

Email: northwest@mail.nasuwt.org.uk / advice@mail.nasuwt.org.uk

NASUWT Wirral: secretary.wirral@nasuwt.org.uk

UNISON

Wirral Branch Office

2nd Floor

Rock Ferry Centre

257 Old Chester Road

Rock Ferry

CH42 3TD

T: 0151 666 3040

Out of hours helpline: 08000 857857

Email: unison1@wirral.gov.uk

Schools Officer (Gillian Harris) gillianharris@wirral.gov.uk

ACAS Helpline 0300 123 1100

EDUCATION SUPPORT PARTNERSHIP 08000 562 561

Appendix C – Reporting Low Level Concern Form (in accordance with Keeping Children Safe in Education 2023 – Reporting Low Level Concerns)

This document should be used when ‘low level’ concerns as defined in Section 2 of Part 4 of Keeping Children Safe in Education 2023 are reported. This document does not replace suspension / formal disciplinary investigations in the event that concerns are either categorised as more serious than low level or when formal disciplinary procedures are required in relation to the low level concern.

<p>1. Name of individual raising the concern</p> <p><i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i></p>	
<p>2. Date the concern was raised</p>	
<p>3. Name and role of individual about whom concern has been raised</p>	
<p>4. Details of the concern(s) reported (give description and context)</p> <p><i>A ‘low level’ concern is any 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 the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4.</i></p>	
<p>5. Details of steps have been taken to investigate this concern</p> <p><i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review your Code of Conduct and Safeguarding Policies to determine if there has been a breach.</i></p>	
<p>6. Set out the individual’s response to the concern</p>	

<p>7. Is this concern 'low level' or should it be treated as an allegation against staff and managed in accordance with Section 1 of Part 4?</p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR and/or safeguarding advisors and/or discuss the matter with your LADO. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO.</i></p>		
<p>8. Have 'low level' or other concerns been raised about this individual previously?</p> <p><i>If so, please provides dates, brief details and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold set out in Section 1 of Part 4.</i></p>	Yes []	No []
<p>9. Details of further action required</p> <p><i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i></p>		
Completed by:	Name	
	Position	
Date:		
Signature:		