

GFM Procedure for managing allegations of abuse made against staff (adapted from KCSIE)

Approved by:	GFM Board	Date:	09 January 2023
Maintained by:	Kirstie Andrew-Power	Next review due:	January 2024

Our approach to dealing with allegations is to apply common sense and judgement (as with our management of all matters safeguarding) deploying STAR principles at each stage of enquiry and decision making.

<p>S</p> <p>Is a child potentially unsafe and at risk?</p> <p>T</p> <p>What can I do to secure the child's safety and/or to mitigate the risk? Whose support do I need? When do I need to take action?</p> <p>A</p> <p>My actions with the safeguarding team will directly secure the child's safety and mitigate risks.</p> <p>R</p> <p>Have I acted to secure the child's safety and/or mitigated the risk? Is there more I need to do? Have I recorded what has happened accurately, factually and promptly? What did I learn from this experience? What might the GFM through the safeguarding team learn through this experience?</p>	<p>Stop</p> <p>Think</p> <p>Act</p> <p>Reflect</p>
--	--

Procedure for dealing with allegations

The procedure sets out to ensure initial enquiries enable the allegation to be assessed against the harms threshold. This assessment will inform next stage actions. These will be one of:

Allegation unfounded or unsubstantiated	Low level concern	May meet harms threshold	Allegation against a member of Executive or CEO
Refer to Section Three	Refer to Section TWO	Refer to Section ONE	Chair of the Board / Trustee with responsibility for Safeguarding
After enquiry will be referred to as 'report'	After enquiry will be referred to as 'allegation'		Enquiry dependent

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'case manager' will lead an investigation, this is in almost all cases the Executive link to the member of staff which includes if the allegation is against a DSL or DDSL. In the case of the allegation against a member

of the Executive or the CEO the 'case manager' will be the Chair of the Board or the Trustee with responsibility for safeguarding. The case manager will be identified at the earliest opportunity.

Overview of immediate actions, decisions and responsibilities:

Information is passed directly to the DSL (or those with delegated responsibility)

DSL and Executive link conduct basic enquiries (to establish the facts and help determine whether there is any foundation to the allegation)

DSL and Executive link assess against harms threshold to determine next stage action



Executive link informs HR of assessment and category

Confidentiality and information sharing

The GFM will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Executive link will take feedback from the DSL and consider the advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises.

Definitions for outcomes of allegation investigations

- **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 to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Non-recent allegations

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

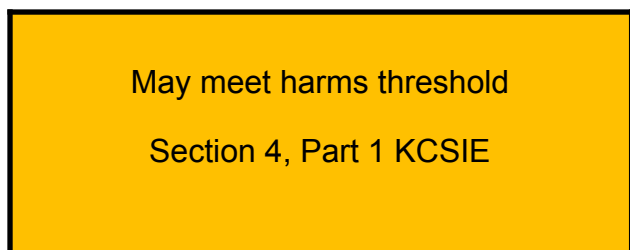
We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

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

Section ONE: Allegations that may meet the harms threshold

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school



In the event of an allegation that meets the criteria above, the 'case manager' will be a member of Executive (in almost all cases the Executive link to the member of staff through the line management structure) and will take the following steps:

Actions:

Conduct basic enquiries to establish the facts to work with the DSL to help determine whether there is any foundation to the allegation. This stage is completed before any further action is taken.	Executive link to the member of staff
The DSL will discuss the allegation and established facts with the LADO. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to	Executive link with DSL

<p>proceed, and whether it is necessary to involve the police and/or children’s social care services. (the Executive and DSL may, on occasion, consider it necessary to involve the police before consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.)</p>	
<p>The Executive link will share the established facts, feedback from the LADO with HR to decide on the next course of actions. At this stage the Executive link and HR will manage the member of staff keeping the DSL informed of decisions and actions. The DSL will manage the child/ren, families and contact with any other external agencies.</p>	<p>Executive link with HR The decision sits with the Executive link.</p>
<p>Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after the DSL has spoken with the LADO (and the police or children’s social care services, where necessary). Where the police and/or children’s social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.</p> <p>Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children’s social care services, as appropriate.</p>	<p>Executive link decision.</p> <p>Executive links with DSL (LADO contact and recording)</p> <p>HR (advice and support with member of staff)</p>
<p>Where the Executive link and DSL are concerned about the welfare of other children in the community or the individual’s family, a risk assessment of the situation will be made and if necessary, the DSL may make a referral to children’s social care.</p>	<p>Executive link with DSL</p>
<p>If immediate suspension is considered necessary</p> <p>Agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details</p>	<p>Executive link decision.</p> <p>Executive links with DSL (LADO contact and recording)</p>
<p>If it is decided that no further action is to be taken</p> <p>(In regard to the subject of the allegation or concern,) record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation</p>	<p>HR (advice and support with member of staff)</p>
<p>If it is decided that further action is needed</p> <p>Take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children’s social care services as appropriate</p>	

<ul style="list-style-type: none"> Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. 	<p>Executive link decision.</p> <p>Ensures action with HR and agreed other</p>
<p>The DSL or Executive link informs the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children’s social care services and/or the police, if applicable). Also informing parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.</p> <p>Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)</p>	<p>DSL with Executive link (involving DDSL if assessed appropriate.)</p>
<p>Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.</p> <p>If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.</p>	<p>HR</p> <p>HR</p>
<p>Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school’s disciplinary process, should this be required at a later point.</p>	<p>Executive link with DSL</p>

Additional considerations for supply teachers and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

<p>We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.</p> <p>We will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.</p> <p>We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.</p>	<p>Executive link decision</p> <p>Executive link and/or HR liaise with the agency</p>
---	---

We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary.)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Record keeping

The following information is recorded:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up
- Notes of any action taken, decisions reached and the outcome
- A declaration on how/whether the information will be referred to in any future reference.

The Executive link will ensure information is stored on the individual's confidential personnel file for the duration of the case.

Suspension of the accused until the case is resolved

Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the GFM.

The Executive link will seek views from the DSL and HR, and consider feedback from the LADO to the DSL as well as the police and children's social care where they have been involved.

Specific actions

Action following a criminal investigation or prosecution

The DSL will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services. The DSL will share this information in full with the Executive link who is managing this case.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the GFM ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the GFM through HR will make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If the individual concerned is a member of teaching staff, the GFM through HR will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

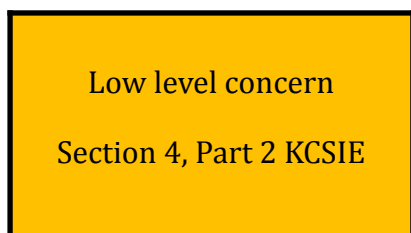
Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the Executive link working with HR will consider how best to facilitate this.

The Executive link working with the DSL will consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

Section TWO: Concerns that do not meet the harm threshold



This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which **do not** meet the harm threshold set out above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

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

- Being overly 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

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school’s safeguarding system.

Responding to low-level concerns

The concern / allegation will be passed to the DSL and Executive link who will follow the procedure:

Conduct basic enquiries to establish the facts to work with the DSL to help determine whether there is any foundation to the allegation. This stage is completed before any further action is taken.	Executive link to the member of staff with DSL
The Executive link will check with HR if there is any information on the member of staff’s file that may need to be taken into consideration.	Executive link with HR
The DSL and Executive link will use the information collected to categorise the type of behaviour and determine any further action.	Executive link to the member of staff with DSL
The Executive link will inform HR of the decision that this allegation is proceeding under the ‘low levels concerns’ process.	Executive link to HR
The Executive link will oversee the management and support of the member of staff about whom a low-level concern has been raised. If the low-level concern warrants actions under the GFM disciplinary policy the Executive link will seek the views of, and support from HR.	Executive link with line manager or other manager as deemed appropriate

Record keeping

For a low-level concern, the following information will be recorded:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was determined to be 'low-level'
- Details of how the low level concern was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

The Executive link will ensure information is stored on the individual's confidential personnel file for the duration of the case and retained until the individual leaves employment.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold (Section ONE) of this Appendix, we will refer it to the LADO

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance.

Section THREE: Unsubstantiated, unfounded, false or malicious reports

Allegation unfounded or unsubstantiated

After the Executive link and DSL have established the facts they may determine the **report or allegation**:

- to be unsubstantiated, unfounded, false or malicious, and will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- to be deliberately invented, or malicious, and will consider whether any disciplinary action is appropriate against the individual(s) who made it and bring in the appropriate colleagues to ensure rigorous follow up.

Record-keeping

The Executive link and DSL will maintain clear records with all allegations or concerns.

The Executive link will ensure information is stored on the individual's confidential personnel file for the duration of the case. The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file.)

In these cases, the GFM will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions.

Section FOUR: Learning lessons

After any cases where the allegations are substantiated, the Executive Principal or Director of Schooling will review the circumstances of the case to determine whether there are any improvements that we can make to the GFM's procedures or practice to help prevent similar events in the future. This will include the DSL reviewing the case with the LADO.

This will include consideration of (as applicable):

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

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