Hebburn Comprehensive School
Allegation Management Statement of Procedures

Statement of Intent

Part four of KCSIE 2024 (Keeping Children Safe in Education 2024) provides guidance about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. The guidance is used in respect of all cases in which it is alleged that a teacher or member of staff (including supply teachers, other staff, volunteers and contractors) is within the school.

SECTION 1: ALLEGATIONS THAT MAY MEET THE HARMS THRESHOLD

This guidance will be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors 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.

Where the school identifies that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, we will contact children's social care or the police immediately, as appropriate.

When dealing with allegations, we 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.

There are two aspects to consider when an allegation is made:

1. Looking after the welfare of the child - the designated safeguarding lead (DSL) will be responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care
2. Investigating and supporting the person subject to the allegation - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

<u>If an allegation is made, the Head Teacher must be informed immediately. In the absence of the Head Teacher, this must be reported to the DHT. The HT and/or DHT will liaise with the DSL, as appropriate.</u>

<u>If the allegation is about the Head teacher, this must be reported to the Chair of Governors.</u>

Before contacting the LADO, we will make basic enquiries, in line with local procedures to establish the facts to help us determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. Taking into consideration:

- Was the individual in the school or college at the time of the allegations?
- Did the individual, or could they have, come into contact with the child?
- Are there any witnesses? and
- Was there any CCTV footage?

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened by Mrs Burdis (DSL).

Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager at the school.

Where the initial discussion leads to no further action, the case manager and the LADO should:

Record the decision and justification for it; and
Agree on what information should be put in writing to the individual concerned and by whom.

Supply Teachers and all Contracted Staff

Where an allegation is made against an individual not directly employed by the school, we will still follow robust procedures. Whilst we are not the employer of supply teachers, we will ensure allegations are dealt with properly.

We will cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

Allegations of historical abuse should be responded to in the same way as current concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

Governors

If an allegation is made against a governor, we will follow local procedures. Where an allegation is substantiated, we will take the procedures to consider removing them from office.

Suspensions

Suspension will not be an automatic response when an allegation is reported. Options to avoid suspension will be considered prior to taking that step. The case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college, or until the allegation is resolved. It will be considered only in cases where there is cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious that it might be grounds for dismissal.

Duty of Care

The welfare of a child, in all cases, is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated, we recognise that it will be a very stressful experience for the adult subject of the investigation. We will offer the member of staff appropriate welfare support, recognising the sensitivity of the situation. Information is confidential and will not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

To meet our duty of care, we will:

- Manage and minimise the stress caused by the allegation
- Inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary
- Advise the individual to contact their trade union representative, or a colleague for support
- Appoint a named representative to keep the person informed about progress of the case
- Provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements; and
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Parents or carers of the child or children involved should be:

- Formally told about the allegation as soon as possible
- The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed
- Kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- Made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress.

Confidentiality and Information Sharing

In an allegations management meeting or during the initial assessment of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible, the school will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in any disciplinary process.

All references in this document to 'staff or members of staff' will be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example, foster carers, approved adopters and child minders. This chapter also applies to any person who manages or facilitates access to an establishment where children are present.

The school and college will ensure that we maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care to agree the

following:

- Who needs to know and exactly what information can be shared
- How to manage speculation, leaks and gossip
- What, if any, information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if, and when, it should arise.

Allegation Outcomes

The following definitions will be used when following the outcome of an allegation are set out below:

- **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 person 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. The term, therefore, does not imply guilt or innocence; or,
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

If the allegation is substantiated and:

- The person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- The employer ceases to use the person's services.

We have a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

Unsubstantiated, unfounded, false or malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the Head Teacher will consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead (DSL) will consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, we will consider whether any disciplinary action is appropriate, in line with our behaviour policy.

Returning to work

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Head Teacher will consider how best to facilitate this in conjunction with HR and the LADO.

RECORD KEEPING

Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- 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; and,
- A declaration on whether the information will be referred to in any future reference.
- Cases in which an allegation was found to be false, unfounded, unsubstantiated, or malicious will not be included in employment references.

Historical Allegations

Where an adult makes an allegation to a school or college 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 will 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. Abuse can be reported no matter how long ago it happened.

SECTION TWO: CONCERNS THAT DO NOT MEET THE HARM THRESHOLD

Low level concerns:

Can be defined as:

- Is inconsistent with our 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.

A 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold. A low-level concern is a concern, no matter how small and will be followed up.

What is a low-level concern?

Examples 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.

As part of our commitment to safeguarding, we will promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

As a school we will ensure that:

- 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
- Empower staff to share any low-level safeguarding concerns
- Addressing unprofessional behaviour and supporting the individual to correct it.
- Providing a responsive, sensitive and proportionate handling of such concerns when they are
- raised; and,
- Helping identify any weakness in the school or colleges safeguarding system.

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported to the Head Teacher.

All low-level concerns will be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

These records will be kept confidential, held securely, and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

References

Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct.

Responding to low-level concerns

Any safeguarding must be reported to the designated safeguarding lead, Mrs S Burdis or deputy Mr M Bingham.

If the concern has been raised via a third party, the designated safeguarding lead 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.

Procedures for dealing with low-level concerns

Where a concern is raised about the practice or behaviour of a member of staff, this information must

be recorded and passed to the Head Teacher. The Headteacher must then make an assessment to determine if the matter is a 'low level concern' or an 'allegation' and follow one of the following routes.

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- Allegations that meet the harm threshold will be referred to the LADO for advice
- Low level concerns that the school feel may need further guidance on will be referred to the LADO for advice
- Low level concerns that the school feel they can deal with internally will be dealt with via the school's usual child protection investigation process.

The school will engage with our HR provider where it is necessary to undertake further investigation and/or deal with the concern under relevant processes.

All low-level concerns should be formally recorded by a member of staff when they are made aware of them. This record should then be passed to the Head Teacher (or Chair of Governors if the concern is about the Headteacher).

The record should include:

- Details of the concern,
- The context in which the concern arose,
- The outcome of the investigation and any action taken, and
- The name of the individual sharing their concerns (if known) (unless the individual wishes to remain anonymous which must be respected as far as possible).

Relevant records will be retained confidentially on the personnel file, in line with data protection principles.

Reviewing a low-level concern

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

Where a pattern of such behaviour is identified, the Headteacher will decide on a course of action, which may include:

- Disciplinary investigation and/or proceedings
- Management Advice, including recommendations for training
- Referral to the LADO (where a pattern of behaviour moves from a concern to meeting the harm threshold).

The school will take advice, where appropriate, from our HR provider in respect of low-level concerns. The school will also review appropriate policies and training, or other wider cultural issues in the school, to see whether anything needs to be done to minimise the risk of similar behaviour happening again. Relevant records will be retained confidentially on the personnel file. A separate record will also be kept of low-level concerns to more easily identify patterns that may involve more than one member of staff. All records must be kept in line with data protection principles.

Low level concerns will not be included in a reference unless they relate to issues which would normally be included in a reference (e.g., misconduct or poor performance). Low level concerns which

relate solely to safeguarding will not be included in a reference.

A low-level concern (or group or pattern of concerns) which has met the harm threshold and has therefore been referred to the LADO may be included in a reference depending on the circumstances.

Allegation

Behaviour which indicates that an adult who works with children 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 they may pose a risk of harm to children.

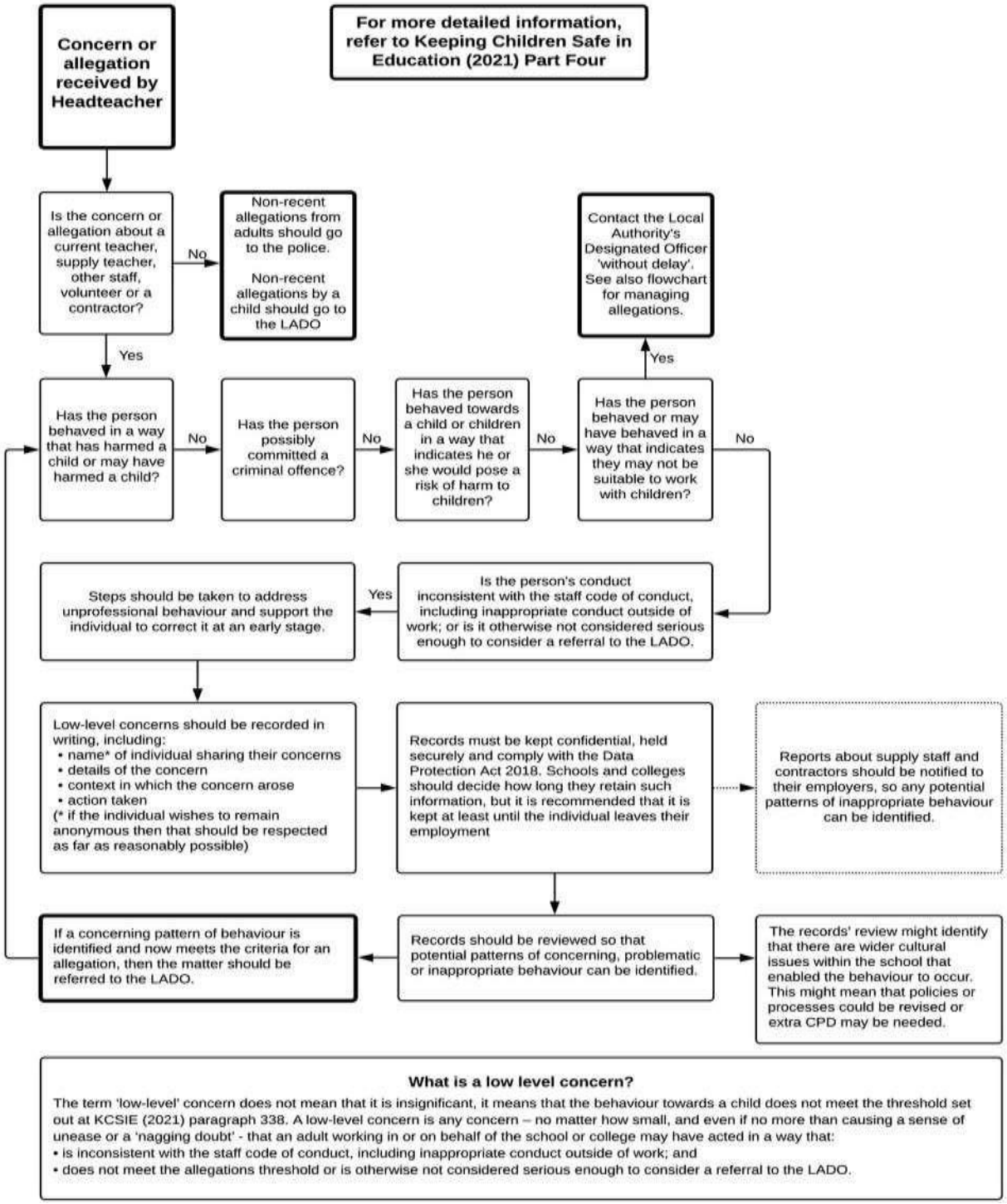
Low-Level Concern

Any concern – no matter how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

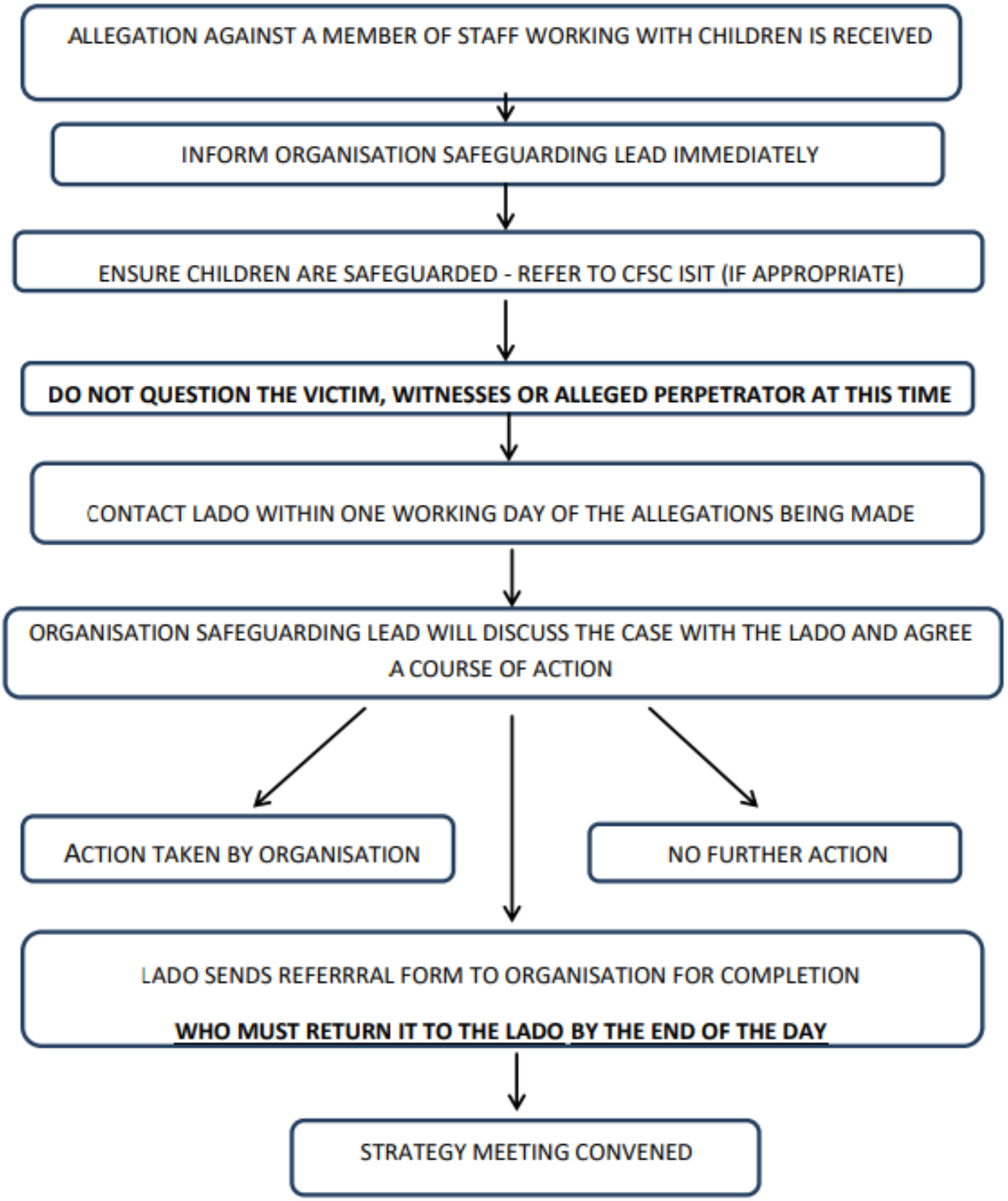
Appropriate Conduct

Behaviour which is entirely consistent with the organisation's Code of Conduct, and the law.


Concern or allegation received by Headteacher
For more detailed information, refer to Keeping Children Safe in Education (2021) Part Four
Is the concern or allegation about a current teacher, supply teacher, other staff, volunteer or a contractor?
No
Non-recent allegations from adults should go to the police.
Non-recent allegations by a child should go to the LADO
Yes
Has the person behaved in a way that has harmed a child or may have harmed a child?
No
Has the person possibly committed a criminal offence?
No
Has the person behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children?
No
Has the person behaved or may have behaved in a way that indicates they may not be suitable to work with children?
Yes
Contact the Local Authority's Designated Officer 'without delay'. See also flowchart for managing allegations.
No
Is the person's conduct inconsistent with the staff code of conduct, including inappropriate conduct outside of work; or is it otherwise not considered serious enough to consider a referral to the LADO.
Yes
Steps should be taken to address unprofessional behaviour and support the individual to correct it at an early stage.
Low-level concerns should 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 should be respected as far as reasonably possible)
Records must be kept confidential, held securely and comply with the Data Protection Act 2018. Schools and colleges should decide how long they retain such information, but it is recommended that it is kept at least until the individual leaves their employment
Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.
Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.
The records' review might identify that there are wider cultural issues within the school that enabled the behaviour to occur. This might mean that policies or processes could be revised or extra CPD may be needed.
If a concerning pattern of behaviour is identified and now meets the criteria for an allegation, then the matter should be referred to the LADO.
What is a low level concern?
The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at KCSIE (2021) paragraph 338. 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 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 LADO.

MANAGING ALLEGATIONS AGAINST STAFF WHO WORK WITH CHILDREN

PROCESS FLOW CHART: 'FIRST FIVE MINUTES'



Local Authority Designated Officer (LADO) – Procedure Guidance

The LADO is appointed by the local authority to manage and oversee allegations against adults who work with children in a paid or unpaid capacity. It is a statutory role identified in 'Working Together to Safeguard Children' (2006) & Safeguarding Children in Education revised 2015.

The LADO will:

- Provide advice and guidance to employers, professionals, and voluntary and faith organisations
- Liaise with the Police and other Agencies
- Have management oversight of and monitor the progress of cases Organise and chair multi-agency meetings.

Who can contact the LADO?

Anybody who has concerns about any adult or young person who is working with children, should inform the LADO. In all cases where there are allegations of a criminal offence, the Police should be informed

When should the LADO be contacted?

The LADO should be informed when a person who works with children has:

- Behaved in a way that has harmed, or may have harmed a child or children
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates that he / she would pose a risk of harm if they work regularly or closely with children

When an allegation / complaint is received

- The person receiving the complaint should record the detail of what they have been told, and this should be signed and dated
- This should be passed to the Safeguarding Lead in their organisation

NB: The written information is from the person receiving the complaint not a written statement from the victim.

<u>Ensure any immediate safeguarding concerns are considered and children are safeguarded</u>

This refers to the alleged perpetrators own children or children with whom they may come into contact within their personal life and children / young people with whom the alleged perpetrator has contact with at work.

- If you believe there are immediate safeguarding concerns, consider the necessity of referrals to Social Care and the Police.
- The organisation can take immediate action to safeguard children / young people in their care who may come into contact with the alleged perpetrator, prior to contacting the LADO e.g., removing the perpetrator from the workplace with the advice of their HR advisor.

Do not question the victim, alleged perpetrator or witnesses at this time The employer must not commence an internal investigation before consulting with the LADO.

It is the responsibility of Police and Social Care to investigate allegations of abuse involving children. Any such intervention at this stage could jeopardise a criminal investigation.

The organisation may make basic enquiries to determine whether there is any foundation to an allegation. The enquiries should be minimal to establish the facts of the allegation.

For example:

- Was the employee at work that day?
- Did the employee come into contact with the child?
- Have any other potential witnesses come forward (do not approach witnesses)?

Organisation Safeguarding Lead / Manager to discuss with LADO to agree a course of action.

The LADO will provide advice as to whether a concern / allegation should be dealt with under the safeguarding / LADO procedures and an agreement will be made about the next steps. This could include a discussion as to whether the member of staff remains at work or not.

Timescales

- Organisation to make contact with LADO within one working day of receiving the complaint
- LADO to acknowledge receipt of complaint and discuss with organisation within one working day
- If required, the LADO will send a referral form to the organisation immediately following discussion, which is to be returned to LADO the same working day
- Strategy meeting to be held within 2 working days, where achievable minutes to be sent out within 15 days of the meeting

How do I contact the LADO?

Children's Standards Unit
The Laygate Centre, 38 Laygate Place, South Shields, NE33 5RT

Telephone 0191 424 6302

E-mail: children's.standardsunit@southtyneside.gov.uk

Monitoring and Review

This document will be reviewed on an annual basis by the Head Teacher and any changes made will be communicated to all members of staff.

Signed:

Head Teacher:  Mr D R Thompson

Chair of Governors:  Mr G Thompson

Ratification Date: 21 October 2026
Date of Next Review: Autumn Term 2027